

Union Calendar No. 151

108TH CONGRESS
1ST SESSION

H. R. 2557

[Report No. 108–265]

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2003

Mr. YOUNG of Alaska (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 5, 2003

Additional sponsors: Mr. OBERSTAR and Mr. COSTELLO

SEPTEMBER 5, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 23, 2003]

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Water Resources Development Act of 2003”.*

6 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.

Sec. 2002. Non-Federal contributions.

Sec. 2003. Harbor cost sharing.

Sec. 2004. Funding to process permits.

Sec. 2005. National shoreline erosion control development and demonstration pro-
gram.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Treatment of certain separable elements.

Sec. 2022. Prosecution of work.

Sec. 2023. Wildfire firefighting.

Sec. 2024. Credit for nonconstruction services.

Sec. 2025. Technical assistance.

Sec. 2026. Centers of specialized planning expertise.

- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.*
- Sec. 2028. Project streamlining.*
- Sec. 2029. Lakes program.*
- Sec. 2030. Mitigation for fish and wildlife losses.*
- Sec. 2031. Cooperative agreements.*
- Sec. 2032. Project planning.*
- Sec. 2033. Independent peer review.*

TITLE III—PROJECT-RELATED PROVISIONS

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- Sec. 3002. King Cove Harbor, Alaska.*
- Sec. 3003. Sitka, Alaska.*
- Sec. 3004. Tatilek, Alaska.*
- Sec. 3005. Nogales Wash and tributaries, Arizona.*
- Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.*
- Sec. 3007. Saint Francis Basin, Arkansas.*
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- Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.*
- Sec. 3012. Los Angeles Harbor, Los Angeles, California.*
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- Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.*
- Sec. 3015. Pacific Flyway Center, Sacramento, California.*
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- Sec. 3017. Prado Dam, California.*
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- Sec. 3019. Sacramento River, Glenn-Colusa, California.*
- Sec. 3020. San Lorenzo River, California.*
- Sec. 3021. Upper Guadalupe River, California.*
- Sec. 3022. Walnut Creek Channel, California.*
- Sec. 3023. Wildcat/San Pablo Creek Phase I, California.*
- Sec. 3024. Wildcat/San Pablo Creek Phase II, California.*
- Sec. 3025. Brevard County, Florida.*
- Sec. 3026. Broward County and Hillsboro Inlet, Florida.*
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- Sec. 3048. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.*
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- Sec. 3052. Detroit River Shoreline, Detroit, Michigan.*
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- Sec. 3079. Solomon's Creek, Wilkes-Barre, Pennsylvania.*
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- Sec. 5035. Everglades restoration, Florida.*
- Sec. 5036. Florida Keys water quality improvements.*
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- Sec. 5038. Lake Lanier, Georgia.*
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- Sec. 5041. Kaskaskia River basin, Illinois, restoration.*
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- Sec. 5045. Calumet region, Indiana.*
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- Sec. 5055. Delmarva conservation corridor, Maryland.*
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- Sec. 5060. Northeastern Minnesota.*
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- Sec. 5063. Mississippi River, Missouri, and Illinois.*
- Sec. 5064. St. Louis, Missouri.*
- Sec. 5065. Hackensack Meadowlands area, New Jersey.*
- Sec. 5066. Atlantic Coast of New York.*
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- Sec. 5068. Flushing Bay and Creek, New York City, New York.*
- Sec. 5069. Little Neck Bay, Village of Kings Point, New York.*
- Sec. 5070. Onondaga Lake, New York.*
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- Sec. 5072. Stanly County, North Carolina.*
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- Sec. 5074. Piedmont Lake Dam, Ohio.*
- Sec. 5075. Ohio.*
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- Sec. 5077. Columbia River, Oregon.*
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- Sec. 5084. Upper Susquehanna River basin, Pennsylvania and New York.*
- Sec. 5085. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.*
- Sec. 5086. Cano Martin Pena, San Juan, Puerto Rico.*
- Sec. 5087. Beaufort and Jasper Counties, South Carolina.*
- Sec. 5088. Cooper River, South Carolina.*
- Sec. 5089. Lakes Marion and Moultrie, South Carolina.*
- Sec. 5090. Upper Big Sioux River, Watertown, South Dakota.*
- Sec. 5091. Fritz Landing, Tennessee.*
- Sec. 5092. Memphis, Tennessee.*
- Sec. 5093. Town Creek, Lenoir City, Tennessee.*
- Sec. 5094. Tennessee River partnership.*
- Sec. 5095. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.*
- Sec. 5096. Harris County, Texas.*
- Sec. 5097. Harris Gully, Harris County, Texas.*
- Sec. 5098. Onion Creek, Texas.*
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- Sec. 5103. Chehalis River, Centralia, Washington.*
- Sec. 5104. Hamilton Island Campground, Washington.*
- Sec. 5105. Puget Island, Washington.*
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- Sec. 5107. West Virginia and Pennsylvania flood control.*
- Sec. 5108. Lower Kanawha River Basin, West Virginia.*
- Sec. 5109. Central West Virginia.*
- Sec. 5110. Southern West Virginia.*
- Sec. 5111. Construction of flood control projects by non-Federal interests.*
- Sec. 5112. Bridge authorization.*
- Sec. 5113. Additional assistance for critical projects.*
- Sec. 5114. Use of Federal hopper dredge fleet.*

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 *In this Act, the term “Secretary” means the Secretary*
 3 *of the Army.*

4 **TITLE I—WATER RESOURCES**
 5 **PROJECTS**

6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7 *Except as otherwise provided in this section, the fol-*
 8 *lowing projects for water resources development and con-*
 9 *servation and other purposes are authorized to be carried*
 10 *out by the Secretary substantially in accordance with the*
 11 *plans, and subject to the conditions, described in the respec-*
 12 *tive reports designated in this section:*

13 (1) *AMERICAN RIVER WATERSHED, CALI-*
 14 *FORNIA.—The project for flood damage reduction and*
 15 *environmental restoration, American River Water-*
 16 *shed, California: Report of the Chief of Engineers,*
 17 *dated November 5, 2002, at a total cost of*
 18 *\$257,300,000, with an estimated Federal cost of*
 19 *\$201,200,000 and an estimated non-Federal cost of*
 20 *\$56,100,000; except that the Secretary is authorized to*
 21 *accept funds from State and local governments and*
 22 *other Federal agencies for the purpose of constructing*
 23 *a permanent bridge instead of the temporary bridge*
 24 *described in the recommended plan and may con-*
 25 *struct such permanent bridge if all additional costs*
 26 *for such bridge, above the \$36,000,000 provided for in*

1 *the recommended plan for bridge construction, are*
2 *provided by such governments or agencies.*

3 (2) *PINE FLAT DAM AND RESERVOIR, CALI-*
4 *FORNIA.—The project for environmental restoration,*
5 *Pine Flat Dam and Reservoir, Fresno County, Cali-*
6 *fornia: Report of the Chief of Engineers, dated July*
7 *19, 2002, at a total cost of \$38,480,000, with an esti-*
8 *mated Federal cost of \$24,930,000 and an estimated*
9 *non-Federal cost of \$13,550,000.*

10 (3) *SOUTH PLATTE RIVER, DENVER, COLO-*
11 *RADO.—The project for environmental restoration*
12 *Denver County Reach, South Platte River, Denver,*
13 *Colorado: Report of the Chief of Engineers, dated May*
14 *16, 2003, at a total cost of \$17,997,000, with an esti-*
15 *mated Federal cost of \$11,698,000 and an estimated*
16 *non-Federal cost of \$6,299,000.*

17 (4) *MORGANZA TO THE GULF OF MEXICO, LOU-*
18 *ISIANA.—*

19 (A) *IN GENERAL.—The project for hurricane*
20 *and storm damage reduction, Morganza to the*
21 *Gulf of Mexico, Louisiana: Report of the Chief of*
22 *Engineers, dated August 23, 2002, at a total cost*
23 *of \$719,000,000, with an estimated Federal cost*
24 *of \$467,000,000 and an estimated non-Federal*
25 *cost of \$252,000,000.*

1 (B) *CREDIT.*—*The Secretary shall credit to-*
2 *ward the non-Federal share of the cost of the*
3 *project the cost of work carried out by the non-*
4 *Federal interest for interim flood protection after*
5 *March 31, 1989, if the Secretary determines that*
6 *the work is integral to the project.*

7 (5) *SMITH ISLAND, MARYLAND.*—*The project for*
8 *environmental restoration and protection, Smith Is-*
9 *land, Maryland: Report of the Chief of Engineers,*
10 *dated October 29, 2001, at a total cost of \$8,000,000,*
11 *with an estimated Federal cost of \$5,200,000 and an*
12 *estimated non-Federal cost of \$2,800,000.*

13 (6) *CORPUS CHRISTI SHIP CHANNEL, CORPUS*
14 *CHRISTI, TEXAS.*—*The project for navigation and en-*
15 *vironmental restoration, Corpus Christi Ship Chan-*
16 *nel, Texas, Channel Improvement Project: Report of*
17 *the Chief of Engineers dated June 2, 2003, at a total*
18 *cost of \$153,808,000, with an estimated Federal cost*
19 *of \$73,554,000 and an estimated non-Federal cost of*
20 *\$80,254,000.*

21 (7) *MATAGORDA BAY, TEXAS.*—*The project for*
22 *navigation, Gulf Intracoastal Waterway, Brazos*
23 *River to Port O'Connor, Matagorda Bay Re-Route,*
24 *Texas: Report of the Chief of Engineers, dated Decem-*
25 *ber 4, 2002, at a total cost of \$14,515,000. The costs*

1 of construction of the project are to be paid $\frac{1}{2}$ from
2 amounts appropriated from the general fund of the
3 Treasury and $\frac{1}{2}$ from amounts appropriated from
4 the Inland Waterways Trust Fund.

5 (8) *RIVERSIDE OXBOW, FORT WORTH, TEXAS.*—

6 (A) *IN GENERAL.*—*The project for environ-*
7 *mental restoration, Riverside Oxbow, Fort*
8 *Worth, Texas: Report of the Chief of Engineers*
9 *dated May 29, 2003, at a total cost of*
10 *\$22,200,000, with an estimated Federal cost of*
11 *\$9,180,000 and an estimated non-Federal cost of*
12 *\$13,020,000.*

13 (B) *CREDIT.*—*The Secretary shall credit to-*
14 *ward the non-Federal share of the cost of the*
15 *project the cost of design and construction work*
16 *carried out on the Beach Street Dam and associ-*
17 *ated features by the non-Federal interest before*
18 *the date of the partnership agreement for the*
19 *project if the Secretary determines that the work*
20 *is integral to the project.*

21 (9) *DEEP CREEK, CHESAPEAKE, VIRGINIA.*—*The*
22 *project for the Atlantic Intracoastal Waterway Bridge*
23 *Replacement, Deep Creek, Chesapeake, Virginia: Re-*
24 *port of the Chief of Engineers, dated March 3, 2003,*
25 *at a total cost of \$22,178,000.*

1 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
 2 **TION.**

3 (a) *IN GENERAL.*—*The Secretary shall conduct a*
 4 *study for each of the following projects and, if the Secretary*
 5 *determines that a project is feasible, may carry out the*
 6 *project under section 205 of the Flood Control Act of 1948*
 7 *(33 U.S.C. 701s):*

8 (1) *CACHE RIVER BASIN, GRUBBS, ARKANSAS.*—
 9 *Project for flood damage reduction, Cache River*
 10 *basin, Grubbs, Arkansas.*

11 (2) *SANTA ANA RIVER BASIN AND ORANGE COUN-*
 12 *TY STREAMS, CALIFORNIA.*—*Project for flood damage*
 13 *reduction, Santa Ana River basin and Orange Coun-*
 14 *ty streams, California.*

15 (3) *STONY CREEK, OAK LAWN, ILLINOIS.*—*Project*
 16 *for flood damage reduction, Stony Creek, Oak Lawn,*
 17 *Illinois.*

18 (4) *OLIVE HILL AND VICINITY, KENTUCKY.*—
 19 *Project for flood damage reduction, Olive Hill and vi-*
 20 *cinity, Kentucky.*

21 (5) *NASHUA RIVER, FITCHBURG, MASSACHU-*
 22 *SETTS.*—*Project for flood damage reduction, Nashua*
 23 *River, Fitchburg, Massachusetts.*

24 (6) *SAGINAW RIVER, HAMILTON DAM, FLINT,*
 25 *MICHIGAN.*—*Project for flood damage reduction, Sagi-*
 26 *naw River, Hamilton Dam, Flint, Michigan.*

1 (7) *MARSH CREEK, MINNESOTA.—Project for*
 2 *flood damage reduction, Marsh Creek, Minnesota.*

3 (8) *ROSEAU RIVER, ROSEAU, MINNESOTA.—*
 4 *Project for flood damage reduction, Roseau River,*
 5 *Roseau, Minnesota.*

6 (9) *SOUTH BRANCH OF THE WILD RICE RIVER,*
 7 *BORUP, MINNESOTA.—Project for flood damage reduc-*
 8 *tion, South Branch of the Wild Rice River, Borup,*
 9 *Minnesota.*

10 (10) *TWIN VALLEY LAKE, WILD RICE RIVER, MIN-*
 11 *NESOTA.—Project for flood damage reduction, Twin*
 12 *Valley Lake, Wild Rice River, Minnesota.*

13 (11) *BLACKSNAKE CREEK, ST. JOSEPH, MIS-*
 14 *SOURI.—Project for flood damage reduction, Black-*
 15 *snake Creek, St. Joseph, Missouri.*

16 (12) *MCKEEL BROOK, NEW JERSEY.—Project for*
 17 *flood damage reduction, McKeel Brook, New Jersey.*

18 (13) *EAST RIVER, SILVER BEACH, NEW YORK*
 19 *CITY, NEW YORK.—Project for flood damage reduction,*
 20 *East River, Silver Beach, New York City, New York.*

21 (14) *RAMAPO RIVER, TOWN OF MONROE AND VIL-*
 22 *LAGES OF MONROE, KIRYAS JOEL, AND HARRIMAN,*
 23 *NEW YORK.—Project for flood damage reduction,*
 24 *Ramapo River, Town of Monroe and Villages of Mon-*
 25 *roe, Kiryas Joel, and Harriman, New York.*

1 (15) *LITTLE MILL CREEK, SOUTHAMPTON, PENN-*
 2 *SYLVANIA.—Project for flood damage reduction, Little*
 3 *Mill Creek, Southampton, Pennsylvania.*

4 (16) *LITTLE NESHAMINY CREEK, WARRENTON,*
 5 *PENNSYLVANIA.—Project for flood damage reduction,*
 6 *Little Neshaminy Creek, Warrenton, Pennsylvania.*

7 (17) *SURFSIDE BEACH, SOUTH CAROLINA.—*
 8 *Project for flood damage reduction, Surfside Beach*
 9 *and vicinity, South Carolina.*

10 (b) *SPECIAL RULES.—In carrying out the project for*
 11 *flood damage reduction, South Branch of the Wild Rice*
 12 *River, Borup, Minnesota, referred to in subsection (a)(9)*
 13 *the Secretary may consider national ecosystem restoration*
 14 *benefits in determining the Federal interest in the project*
 15 *and shall allow the non-Federal interest to participate in*
 16 *the financing of the project in accordance with section*
 17 *903(c) of the Water Resources Development Act of 1986 (100*
 18 *Stat. 4184) to the extent that the Secretary's evaluation in-*
 19 *dicates that applying such section is necessary to imple-*
 20 *ment the project.*

21 **SEC. 1003. SMALL PROJECTS FOR EMERGENCY**
 22 **STREAMBANK PROTECTION.**

23 *The Secretary shall conduct a study for each of the*
 24 *following projects and, if the Secretary determines that a*

1 *project is feasible, may carry out the project under section*
 2 *14 of the Flood Control Act of 1946 (33 U.S.C. 701r):*

3 (1) *OUACHITA AND BLACK RIVERS, ARKANSAS.—*
 4 *Project for emergency streambank protection,*
 5 *Ouachita and Black Rivers, Arkansas.*

6 (2) *MELVINA DITCH, CHICAGO RIDGE, ILLI-*
 7 *NOIS.—Project for emergency streambank protection*
 8 *for the east side of Melvina Ditch in the vicinity of*
 9 *96th Street and Nashville Avenue, Chicago Ridge, Il-*
 10 *linois.*

11 (3) *MIDDLE FORK GRAND RIVER, GENTRY COUN-*
 12 *TY, MISSOURI.—Project for emergency streambank*
 13 *protection, Middle Fork Grand River, Gentry County,*
 14 *Missouri.*

15 (4) *SHREWSBURY RIVER, RUMSON, NEW JER-*
 16 *SEY.—Project for emergency streambank protection,*
 17 *Shrewsbury River, Rumson, New Jersey.*

18 (5) *KOWAWESE UNIQUE AREA AND HUDSON*
 19 *RIVER, NEW WINDSOR, NEW YORK.—Project for emer-*
 20 *gency streambank protection, Kowawese Unique Area*
 21 *and Hudson River, New Windsor, New York.*

22 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

23 *The Secretary shall conduct a study for each of the*
 24 *following projects and, if the Secretary determines that a*

1 *project is feasible, may carry out the project under section*
 2 *107 of the River and Harbor Act of 1960 (33 U.S.C. 577):*

3 (1) *BLYTHEVILLE COUNTY HARBOR, ARKAN-*
 4 *SAS.—Project for navigation, Blytheville County Har-*
 5 *bor, Arkansas.*

6 (2) *EVANSTON, ILLINOIS.—Project for naviga-*
 7 *tion, Evanston, Illinois.*

8 (3) *NIAGARA FRONTIER TRANSPORTATION AU-*
 9 *THORITY BOAT HARBOR, BUFFALO, NEW YORK.—*
 10 *Project for navigation, Niagara Frontier Transpor-*
 11 *tation Authority Boat Harbor, Buffalo, New York.*

12 (4) *WOODLAWN MARINA, LACKAWANNA, NEW*
 13 *YORK.—Project for navigation, Woodlawn Marina,*
 14 *Lackawanna, New York.*

15 (5) *BAKER BAY AND ILWACO HARBOR, WASH-*
 16 *INGTON.—Project for navigation, Baker Bay and*
 17 *Ilwaco Harbor, Washington.*

18 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**
 19 **QUALITY OF THE ENVIRONMENT.**

20 *The Secretary shall conduct a study for the following*
 21 *project and, if the Secretary determines that the project is*
 22 *appropriate, may carry out the project under section 1135*
 23 *of the Water Resources Development Act of 1986 (33 U.S.C.*
 24 *2309a): Project for improvement of the quality of the envi-*
 25 *ronment, Smithville Lake, Missouri.*

1 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
2 **RESTORATION.**

3 *The Secretary shall conduct a study for each of the*
4 *following projects and, if the Secretary determines that a*
5 *project is appropriate, may carry out the project under sec-*
6 *tion 206 of the Water Resources Development Act of 1996*
7 *(33 U.S.C. 2330):*

8 (1) *COLORADO RIVER, YUMA, ARIZONA.—Project*
9 *for aquatic ecosystem restoration, Colorado River,*
10 *Yuma, Arizona.*

11 (2) *CHINO VALLEY, CALIFORNIA.—Project for*
12 *aquatic ecosystem restoration, Chino Valley, Cali-*
13 *fornia.*

14 (3) *NEW AND ALAMO RIVERS, IMPERIAL COUNTY,*
15 *CALIFORNIA.—Project for aquatic ecosystem restora-*
16 *tion, New and Alamo Rivers, Imperial County, Cali-*
17 *fornia, including efforts to address invasive aquatic*
18 *plant species.*

19 (4) *SAN DIEGO RIVER, CALIFORNIA.—Project for*
20 *aquatic ecosystem restoration, San Diego River, Cali-*
21 *fornia, including efforts to address invasive aquatic*
22 *plant species.*

23 (5) *STOCKTON DEEP WATER SHIP CHANNEL AND*
24 *LOWER SAN JOAQUIN RIVER, CALIFORNIA.—Project for*
25 *aquatic ecosystem restoration, Stockton Deep Water*

1 *Ship Channel and lower San Joaquin River, Cali-*
2 *fornia.*

3 (6) *SWEETWATER RESERVOIR, SAN DIEGO COUN-*
4 *TY, CALIFORNIA.—Project for aquatic ecosystem res-*
5 *toration, Sweetwater Reservoir, San Diego County,*
6 *California, including efforts to address invasive*
7 *aquatic plant species.*

8 (7) *BISCAYNE BAY, FLORIDA.—Project for aquat-*
9 *ic ecosystem restoration, Biscayne Bay, Key Bis-*
10 *cayne, Florida.*

11 (8) *DESTIN HARBOR, FLORIDA.—Project for*
12 *aquatic ecosystem restoration, Destin Harbor, Flor-*
13 *ida.*

14 (9) *CHATTAHOOCHEE RIVER, COLUMBUS, GEOR-*
15 *GIA, AND PHENIX CITY, ALABAMA.—Project for aquat-*
16 *ic ecosystem restoration, City Mills Dam and Eagle*
17 *and Phenix Dam, Chattahoochee River, Columbus,*
18 *Georgia, and Phenix City, Alabama.*

19 (10) *CHATTAHOOCHEE RIVER AND OCMULGEE*
20 *RIVER BASINS, GEORGIA.—Project for aquatic eco-*
21 *system restoration, Chattahoochee River and*
22 *Ocmulgee River basins, Gwinnett County, Georgia.*

23 (11) *SNAKE RIVER, JEROME, IDAHO.—Project for*
24 *aquatic ecosystem restoration, Snake River, Jerome,*
25 *Idaho.*

1 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTECTION.**

2 *The Secretary shall conduct a study for the following*
 3 *project and, if the Secretary determines that the project is*
 4 *feasible, may carry out the project under section 3 of the*
 5 *Act entitled “An Act authorizing Federal participation in*
 6 *the cost of protecting the shores of publicly owned property”,*
 7 *approved August 13, 1946 (33 U.S.C. 426g): Project for*
 8 *shoreline protection, Nelson Lagoon, Alaska.*

9 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
 10 **MENT REMOVAL.**

11 *The Secretary shall conduct a study for the following*
 12 *project and, if the Secretary determines that the project is*
 13 *feasible, the Secretary may carry out the project under sec-*
 14 *tion 2 of the Flood Control Act of August 28, 1937 (33*
 15 *U.S.C. 701g): Project for removal of snags and clearing and*
 16 *straightening of channels for flood control, Kowawese*
 17 *Unique Area and Hudson River, New Windsor, New York.*

18 **TITLE II—GENERAL PROVISIONS**

19 **SEC. 2001. ANNUAL PASSES FOR RECREATION.**

20 *Section 208(c)(4) of the Water Resources Development*
 21 *Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat. 3681; 113*
 22 *Stat. 294) is amended by striking “the December 31, 2003”*
 23 *and inserting “December 31, 2004”.*

1 **SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

2 *Section 103 of the Water Resources Development Act*
 3 *of 1986 (33 U.S.C. 2213) is amended by adding at the end*
 4 *the following:*

5 “(n) **NON-FEDERAL CONTRIBUTIONS.**—

6 “(1) **PROHIBITION ON SOLICITATION OF EXCESS**
 7 **CONTRIBUTIONS.**—*The Secretary may not solicit con-*
 8 *tributions from non-Federal interests for costs of con-*
 9 *structing authorized water resources development*
 10 *projects or measures in excess of the non-Federal*
 11 *share assigned to the appropriate project purposes*
 12 *listed in subsections (a), (b), and (c) or condition*
 13 *Federal participation in such projects or measures on*
 14 *the receipt of such contributions.*

15 “(2) **LIMITATION ON STATUTORY CONSTRUC-**
 16 **TION.**—*Nothing in this subsection shall be construed*
 17 *to affect the Secretary’s authority under section*
 18 *903(c) of this Act.”.*

19 **SEC. 2003. HARBOR COST SHARING.**

20 (a) **PAYMENTS DURING CONSTRUCTION.**—*Section*
 21 *101(a)(1) of the Water Resources Development Act of 1986*
 22 *(33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended in each*
 23 *of subparagraphs (B) and (C) by striking “45 feet” and*
 24 *inserting “53 feet”.*

1 (b) *OPERATION AND MAINTENANCE.*—Section
 2 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended
 3 by striking “45 feet” and inserting “53 feet”.

4 (c) *DEFINITIONS.*—Section 214 of such Act (33 U.S.C.
 5 2241; 100 Stat. 4108) is amended in each of paragraphs
 6 (1) and (3) by striking “45 feet” and inserting “53 feet”.

7 (d) *APPLICABILITY.*—The amendments made by sub-
 8 sections (a), (b), and (c) shall apply only to a project, or
 9 separable element of a project, on which a contract for phys-
 10 ical construction has not been awarded before the date of
 11 enactment of this Act.

12 **SEC. 2004. FUNDING TO PROCESS PERMITS.**

13 Section 214(a) of the Water Resources Development
 14 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is
 15 amended by striking “2003” and inserting “2005”.

16 **SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DE-**
 17 **VELOPMENT AND DEMONSTRATION PRO-**
 18 **GRAM.**

19 (a) *EXTENSION OF PROGRAM.*—Section 5(a) of the Act
 20 entitled “An Act authorizing Federal participation in the
 21 cost of protecting the shores of publicly owned property”,
 22 approved August 13, 1946 (33 U.S.C. 426h(a)), is amended
 23 by striking “6 years” and inserting “10 years”.

24 (b) *EXTENSION OF PLANNING, DESIGN, AND CON-*
 25 *STRUCTION PHASE.*—Section 5(b)(1)(A) of such Act (33

1 *U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”*
2 *and inserting “6 years”.*

3 *(c) COST-SHARING; REMOVAL OF PROJECTS.—Section*
4 *5(b) of such Act (33 U.S.C. 426h(b)) is amended—*

5 *(1) by redesignating paragraphs (3) and (4) as*
6 *paragraphs (5) and (6), respectively; and*

7 *(2) by inserting after paragraph (2) the fol-*
8 *lowing:*

9 *“(3) COST SHARING.—The Secretary may enter*
10 *into a cost-sharing agreement with a non-Federal in-*
11 *terest to carry out a project, or a phase of a project,*
12 *under the erosion control program in cooperation*
13 *with the non-Federal interest.*

14 *“(4) REMOVAL OF PROJECTS.—The Secretary*
15 *may pay all or a portion of the costs of removing a*
16 *project, or an element of a project, constructed under*
17 *the erosion control program if the Secretary deter-*
18 *mines during the term of the program that the project*
19 *or element is detrimental to the environment, private*
20 *property, or public safety.”.*

21 *(d) AUTHORIZATION OF APPROPRIATIONS.—Section*
22 *5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended by*
23 *striking “\$21,000,000” and inserting “\$31,000,000”.*

1 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**
 2 **PROJECTS.**

3 (a) *PARTNERSHIP AGREEMENTS.*—Section 221 of the
 4 *Flood Control Act of 1970 (42 U.S.C. 1962d–5b)* is amend-
 5 *ed—*

6 (1) *in subsection (a)—*

7 (A) *by striking “under the provisions” and*
 8 *all that follows through “under any other” and*
 9 *inserting “under any”;*

10 (B) *by inserting “partnership” after “writ-*
 11 *ten”;*

12 (C) *by striking “Secretary of the Army to*
 13 *furnish its required cooperation for” and insert-*
 14 *ing “district engineer for the district in which*
 15 *the project will be carried out under which each*
 16 *party agrees to carry out its responsibilities and*
 17 *requirements for implementation or construction*
 18 *of”; and*

19 (D) *by inserting after “\$25,000.” the fol-*
 20 *lowing: “Such agreement may include a provi-*
 21 *sion for liquidated damages in the event of a*
 22 *failure of one or more parties to perform.”;*

23 (2) *by redesignating subsection (e) as subsection*
 24 *(f); and*

25 (3) *by inserting after subsection (d) the fol-*
 26 *lowing:*

1 “(e) *LIMITATION*.—Nothing in subsection (a) shall be
 2 *construed as limiting the authority of the Secretary to en-*
 3 *sure that a partnership agreement meets all requirements*
 4 *of law and policies of the Secretary in effect on the date*
 5 *of entry into the partnership agreement.”.*

6 (b) *LOCAL COOPERATION*.—Section 912(b) of the
 7 *Water Resources Development Act of 1986 (101 Stat. 4190)*
 8 *is amended—*

9 (1) *in paragraph (2)—*

10 (A) *by striking “shall” the first place it ap-*
 11 *pears and inserting “may”; and*

12 (B) *by striking the last sentence; and*

13 (2) *in paragraph (4)—*

14 (A) *by inserting after “injunction, for” the*
 15 *following: “payment of liquidated damages or,*
 16 *for”;*

17 (B) *by striking “to collect a civil penalty*
 18 *imposed under this section,”; and*

19 (C) *by striking “any civil penalty imposed*
 20 *under this section,” and inserting “any liq-*
 21 *uidated damages,”.*

22 (c) *APPLICABILITY*.—The amendments made by sub-
 23 *sections (a) and (b) only apply to partnership agreements*
 24 *entered into after the date of enactment of this Act; except*
 25 *that at the request of a non-Federal interest for a project*

1 *the district engineer for the district in which the project*
 2 *is located may amend a project partnership agreement en-*
 3 *tered into on or before such date and under which construc-*
 4 *tion on the project has not been initiated as of such date*
 5 *of enactment for the purpose of incorporating such amend-*
 6 *ments.*

7 (d) *REFERENCES.—*

8 (1) *TO COOPERATION AGREEMENTS.—Any ref-*
 9 *erence in a law, regulation, document, or other paper*
 10 *of the United States to a cooperation agreement or*
 11 *project cooperation agreement shall be treated to be a*
 12 *reference to a partnership agreement or a project*
 13 *partnership agreement, respectively.*

14 (2) *TO PARTNERSHIP AGREEMENTS.—Any ref-*
 15 *erence to a partnership agreement or project partner-*
 16 *ship agreement in this Act (other than this section)*
 17 *shall be treated as a reference to a cooperation agree-*
 18 *ment or a project cooperation agreement, respectively.*

19 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**
 20 **AND REUSE.**

21 (a) *IN GENERAL.—The Secretary may provide to State*
 22 *and local governments assessment, planning, and design as-*
 23 *sistance for remediation, environmental restoration, or*
 24 *reuse of areas located within the boundaries of such State*
 25 *or local governments where such remediation, environ-*

1 *mental restoration, or reuse will contribute to the improve-*
 2 *ment of water quality or the conservation of water and re-*
 3 *lated resources of drainage basins and watersheds within*
 4 *the United States.*

5 (b) *NON-FEDERAL SHARE.*—*The non-Federal share of*
 6 *the cost of assistance provided under subsection (a) shall*
 7 *be 50 percent.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 9 *authorized to be appropriated to carry out this section*
 10 *\$30,000,000 for each of fiscal years 2004 through 2008.*

11 **SEC. 2008. COMPILATION OF LAWS.**

12 *Within one year after the date of enactment of this*
 13 *Act, the laws of the United States relating to the improve-*
 14 *ment of rivers and harbors, flood control, beach erosion, and*
 15 *other water resources development enacted after November*
 16 *8, 1966, and before January 1, 2004, shall be compiled*
 17 *under the direction of the Secretary and the Chief of Engi-*
 18 *neers and printed for the use of the Department of the*
 19 *Army, Congress, and the general public. The Secretary shall*
 20 *reprint the volumes containing such laws enacted before No-*
 21 *vember 8, 1966. In addition, the Secretary shall include an*
 22 *index in each volume so compiled or reprinted. Not later*
 23 *than December 1, 2004, the Secretary shall transmit at least*
 24 *25 copies of each such volume to the Committee on Trans-*
 25 *portation and Infrastructure of the House of Representa-*

1 *tives and the Committee on Environment and Public Works*
 2 *of the Senate.*

3 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

4 *Section 217 of the Water Resources Development Act*
 5 *of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is amend-*
 6 *ed—*

7 *(1) by redesignating subsection (c) as subsection*
 8 *(d);*

9 *(2) by inserting after subsection (b) the fol-*
 10 *lowing:*

11 *“(c) GOVERNMENTAL PARTNERSHIPS.—*

12 *“(1) IN GENERAL.—The Secretary may enter*
 13 *into cost-sharing agreements with 1 or more non-Fed-*
 14 *eral public interests with respect to a project, or*
 15 *group of projects within a geographic region if appro-*
 16 *priate, for the acquisition, design, construction, man-*
 17 *agement, or operation of a dredged material proc-*
 18 *essing, treatment, contaminant reduction, or disposal*
 19 *facility (including any facility used to demonstrate*
 20 *potential beneficial uses of dredged material, which*
 21 *may include effective sediment contaminant reduction*
 22 *technologies) using funds provided in whole or in part*
 23 *by the Federal Government. One or more of the par-*
 24 *ties of the agreement may perform the acquisition, de-*
 25 *sign, construction, management, or operation of a*

1 *dredged material processing, treatment, or disposal*
 2 *facility. If appropriate, the Secretary may combine*
 3 *portions of separate construction or maintenance ap-*
 4 *propriations from separate Federal projects with the*
 5 *appropriate combined cost-sharing between the var-*
 6 *ious projects when the facility serves to manage*
 7 *dredged material from multiple Federal projects lo-*
 8 *cated in the geographic region of the facility.*

9 *“(2) PUBLIC FINANCING.—*

10 *“(A) AGREEMENTS.—*

11 *“(i) SPECIFIED FEDERAL FUNDING*
 12 *SOURCES AND COST SHARING.—The cost-*
 13 *sharing agreement used shall clearly specify*
 14 *the Federal funding sources and combined*
 15 *cost-sharing when applicable to multiple*
 16 *Federal navigation projects and the respon-*
 17 *sibilities and risks of each of the parties re-*
 18 *lated to present and future dredged material*
 19 *managed by the facility.*

20 *“(ii) MANAGEMENT OF SEDIMENTS.—*

21 *The cost-sharing agreement may include the*
 22 *management of sediments from the mainte-*
 23 *nance dredging of Federal navigation*
 24 *projects that do not have partnership agree-*
 25 *ments. The cost-sharing agreement may*

1 *allow the non-Federal sponsor to receive re-*
2 *imbursable payments from the Federal Gov-*
3 *ernment for commitments made by the*
4 *sponsor for disposal or placement capacity*
5 *at dredged material treatment, processing,*
6 *contaminant reduction, or disposal facili-*
7 *ties.*

8 “(iii) CREDIT.—*The cost-sharing*
9 *agreement may allow costs incurred prior to*
10 *execution of a partnership agreement for*
11 *construction or the purchase of equipment*
12 *or capacity for the project to be credited ac-*
13 *cording to existing cost-sharing rules.*

14 “(B) CREDIT.—*Nothing in this subsection*
15 *supersedes or modifies existing agreements be-*
16 *tween the Federal Government and any non-Fed-*
17 *eral sponsors for the cost-sharing, construction,*
18 *and operation and maintenance of Federal navi-*
19 *gation projects. Subject to the approval of the*
20 *Secretary and in accordance with existing laws,*
21 *regulations, and policies, a non-Federal public*
22 *sponsor of a Federal navigation project may seek*
23 *credit for funds provided in the acquisition, de-*
24 *sign, construction, management, or operation of*
25 *a dredged material processing, treatment, or dis-*

1 posal facility to the extent the facility is used to
 2 manage dredged material from the Federal navi-
 3 gation project. The non-Federal sponsor shall be
 4 responsible for providing all necessary lands,
 5 easements, rights-of-way, or relocations associ-
 6 ated with the facility and shall receive credit for
 7 these items.”; and

8 (3) in each of subsections (d)(1) and (d)(2)(A),
 9 as so redesignated—

10 (A) by inserting “and maintenance” after
 11 “operation”; and

12 (B) by inserting “processing, treatment, or”
 13 after “dredged material” the first place it ap-
 14 pears.

15 **SEC. 2010. WETLANDS MITIGATION.**

16 In carrying out a water resources project that involves
 17 wetlands mitigation and that has impacts that occur within
 18 the service area of a mitigation bank, the Secretary, to the
 19 maximum extent practicable and where appropriate, shall
 20 give preference to the use of the mitigation bank if the bank
 21 contains sufficient available credits to offset the impact and
 22 the bank is approved in accordance with the Federal Guid-
 23 ance for the Establishment, Use and Operation of Mitiga-
 24 tion Banks (60 Fed. Reg. 58605) or other applicable Federal
 25 law (including regulations).

1 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

2 (a) *IN GENERAL.*—*In conducting a study of harbor*
 3 *and navigation improvements, the Secretary may rec-*
 4 *ommend a project without the need to demonstrate that the*
 5 *project is justified solely by national economic development*
 6 *benefits if the Secretary determines that—*

7 (1)(A) *the community to be served by the project*
 8 *is at least 70 miles from the nearest surface accessible*
 9 *commercial port and has no direct rail or highway*
 10 *link to another community served by a surface acces-*
 11 *sible port or harbor; or*

12 (B) *the project would be located in the Common-*
 13 *wealth of Puerto Rico, Guam, the Commonwealth of*
 14 *the Northern Mariana Islands, or American Samoa;*

15 (2) *the harbor is economically critical such that*
 16 *over 80 percent of the goods transported through the*
 17 *harbor would be consumed within the community*
 18 *served by the harbor and navigation improvement;*
 19 *and*

20 (3) *the long-term viability of the community*
 21 *would be threatened without the harbor and naviga-*
 22 *tion improvement.*

23 (b) *JUSTIFICATION.*—*In considering whether to rec-*
 24 *ommend a project under subsection (a), the Secretary shall*
 25 *consider the benefits of the project to—*

1 (1) *public health and safety of the local commu-*
 2 *nity, including access to facilities designed to protect*
 3 *public health and safety;*

4 (2) *access to natural resources for subsistence*
 5 *purposes;*

6 (3) *local and regional economic opportunities;*

7 (4) *welfare of the local population; and*

8 (5) *social and cultural value to the community.*

9 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

10 (a) *IN GENERAL.*—Section 204 of the Water Resources
 11 *Development Act of 1992 (33 U.S.C. 2326) is amended by*
 12 *striking subsections (c) through (g) and inserting the fol-*
 13 *lowing:*

14 “(c) *IN GENERAL.*—The Secretary may carry out
 15 *projects to transport and place suitable material dredged*
 16 *in connection with the construction, operation, or mainte-*
 17 *nance of an authorized navigation project at locations se-*
 18 *lected by a non-Federal entity for use in the construction,*
 19 *repair, or rehabilitation of projects determined by the Sec-*
 20 *retary to be in the public interest and associated with navi-*
 21 *gation, flood damage reduction, hydroelectric power, munic-*
 22 *ipal and industrial water supply, agricultural water sup-*
 23 *ply, recreation, hurricane and storm damage reduction,*
 24 *aquatic plant control, and environmental protection and*
 25 *restoration.*

1 “(d) *COOPERATIVE AGREEMENT.*—Any project under-
 2 taken pursuant to this section shall be initiated only after
 3 non-Federal interests have entered into an agreement with
 4 the Secretary in which the non-Federal interests agree to
 5 pay the non-Federal share of the cost of construction of the
 6 project and 100 percent of the cost of operation, mainte-
 7 nance, replacement, and rehabilitation of the project in ac-
 8 cordance with section 103 of the Water Resources Develop-
 9 ment Act of 1986 (33 U.S.C. 2213).

10 “(e) *SPECIAL RULE.*—Construction of a project under
 11 subsection (a) for the protection and restoration of aquatic
 12 and ecologically related habitat the cost of which does not
 13 exceed \$750,000 and which will be located in a disadvan-
 14 taged community as determined by the Secretary may be
 15 carried out at Federal expense.

16 “(f) *DETERMINATION OF CONSTRUCTION COSTS.*—
 17 Costs associated with construction of a project under this
 18 section shall be limited solely to construction costs that are
 19 in excess of those costs necessary to carry out the dredging
 20 for construction, operation, or maintenance of the author-
 21 ized navigation project in the most cost effective way, con-
 22 sistent with economic, engineering, and environmental cri-
 23 teria.

24 “(g) *SELECTION OF DREDGED MATERIAL DISPOSAL*
 25 *METHOD.*—In developing and carrying out a project for

1 navigation involving the disposal of dredged material, the
 2 Secretary may select, with the consent of the non-Federal
 3 interest, a disposal method that is not the least-cost option
 4 if the Secretary determines that the incremental costs of
 5 such disposal method are reasonable in relation to the envi-
 6 ronmental benefits, including the benefits to the aquatic en-
 7 vironment to be derived from the creation of wetlands and
 8 control of shoreline erosion. The Federal share of such incre-
 9 mental costs shall be determined in accordance with sub-
 10 section (d).

11 “(h) *NONPROFIT ENTITIES.*—Notwithstanding section
 12 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
 13 5b), for any project carried out under this section, a non-
 14 Federal interest may include a nonprofit entity, with the
 15 consent of the affected local government.

16 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 17 authorized to be appropriated \$30,000,000 annually for
 18 projects under this section of which not more than
 19 \$3,000,000 annually may be used for construction of
 20 projects described in subsection (e). Such sums shall remain
 21 available until expended.

22 “(j) *REGIONAL SEDIMENT MANAGEMENT PLANNING.*—
 23 In consultation with appropriate State and Federal agen-
 24 cies, the Secretary may develop, at Federal expense, plans
 25 for regional management of material dredged in conjunc-

1 *tion with the construction, operation, or maintenance of*
 2 *navigation projects, including potential beneficial uses of*
 3 *dredged material for construction, repair, or rehabilitation*
 4 *of public projects for navigation, flood damage reduction,*
 5 *hydroelectric power, municipal and industrial water sup-*
 6 *ply, agricultural water supply, recreation, hurricane and*
 7 *storm damage reduction, aquatic plant control, and envi-*
 8 *ronmental protection and restoration.”.*

9 *(b) REPEAL.—*

10 *(1) IN GENERAL.—Section 145 of the Water Re-*
 11 *sources Development Act of 1976 (33 U.S.C. 426j) is*
 12 *repealed.*

13 *(2) HOLD HARMLESS.—The repeal made by*
 14 *paragraph (1) shall not affect the authority of the*
 15 *Secretary to complete any project being carried out*
 16 *under such section 145 on the day before the date of*
 17 *enactment of this Act.*

18 *(c) PRIORITY AREAS.—In carrying out section 204 of*
 19 *the Water Resources Development Act of 1992 (33 U.S.C.*
 20 *2326), the Secretary shall give priority to a project for the*
 21 *beaches of Bogue Bank in the vicinity of Morehead City,*
 22 *North Carolina, and a project in the vicinity of the Smith*
 23 *Point Park Pavilion and the TWA Flight 800 Memorial,*
 24 *Brookhaven, New York.*

1 **SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN**
 2 **AREAS.**

3 *Section 1156 of the Water Resources Development Act*
 4 *of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended to*
 5 *read as follows:*

6 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**
 7 **AREAS.**

8 *“The Secretary shall waive local cost-sharing require-*
 9 *ments up to \$500,000 for all studies and projects in the*
 10 *Commonwealth of Puerto Rico, American Samoa, Guam,*
 11 *the Commonwealth of the Northern Mariana Islands, and*
 12 *the United States Virgin Islands, in Indian country (as de-*
 13 *finied in section 1151 of title 18, United States Code, and*
 14 *including lands that are within the jurisdictional area of*
 15 *an Oklahoma Indian tribe, as determined by the Secretary*
 16 *of the Interior, and are recognized by the Secretary of the*
 17 *Interior as eligible for trust land status under part 151 of*
 18 *title 25, Code of Federal Regulations) or on land in the*
 19 *State of Alaska conveyed to an Alaska Native Village Cor-*
 20 *poration under the Alaska Native Claims Settlement Act*
 21 *(43 U.S.C. 1601 et seq.).”.*

22 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**
 23 **MENT.**

24 *Upon authorization by law of an increase in the max-*
 25 *imum amount of Federal funds that may be allocated for*
 26 *a project or an increase in the total cost of a project author-*

1 ized to be carried out by the Secretary, the Secretary shall
 2 revise the project partnership agreement for the project to
 3 take into account the change in Federal participation in
 4 the project.

5 **SEC. 2015. COST SHARING.**

6 An increase in the maximum amount of Federal funds
 7 that may be allocated for a project or an increase in the
 8 total cost of a project authorized to be carried out by the
 9 Secretary shall not affect any cost sharing requirement ap-
 10 plicable to the project under title I of the Water Resources
 11 Development Act of 1986 (33 U.S.C. 2211 et seq.).

12 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**
 13 **nership Agreement.**

14 If the Secretary is authorized to credit toward the non-
 15 Federal share the cost of work carried out by the non-Fed-
 16 eral interest before the date of the partnership agreement
 17 for the project and such work has not been carried out as
 18 of the date of enactment of this Act, the Secretary shall enter
 19 into an agreement with the non-Federal interest for the
 20 project under which the non-Federal interest shall carry out
 21 such work, and the credit shall apply only to work carried
 22 out under the agreement.

23 **SEC. 2017. RECREATION USER FEE REVENUES.**

24 Section 225 of the Water Resources Development Act
 25 of 1999 (113 Stat. 297–298) is amended—

1 (1) in subsection (a)(1) by striking “During fis-
 2 cal years 1999 through 2002, the” and inserting
 3 “The”; and

4 (2) in subsection (a)(3) by striking “September
 5 30, 2005” and inserting “expended”.

6 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
 7 **DAMAGE REDUCTION.**

8 *The Secretary shall expedite any authorized planning,*
 9 *design, and construction of any project for flood damage*
 10 *reduction for an area that, within the preceding 5 years,*
 11 *has been subject to flooding that resulted in the loss of life*
 12 *and caused damage of sufficient severity and magnitude to*
 13 *warrant a declaration of a major disaster by the President*
 14 *under the Robert T. Stafford Disaster and Emergency Re-*
 15 *lief Act (42 U.S.C. 5121 et seq.).*

16 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

17 (a) *IN GENERAL.*—Section 729 of the Water Resources
 18 Development Act of 1986 (33 U.S.C. 2267a; 114 Stat. 2587–
 19 2588; 100 Stat. 4164) is amended—

20 (1) in subsection (d)—

21 (A) by striking “and” at the end of para-
 22 graph (4);

23 (B) by striking the period at the end of
 24 paragraph (5) and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(6) *Sacramento-San Joaquin Delta, Cali-*
2 *fornia.*”;

3 (2) *by striking paragraph (1) of subsection (f)*
4 *and inserting the following:*

5 “(1) *NON-FEDERAL SHARE.—The non-Federal*
6 *share of the costs of an assessment carried out under*
7 *this section on or after December 11, 2000, shall be*
8 *25 percent.*”; and

9 (3) *by striking subsection (g).*

10 (b) *REVISION OF PARTNERSHIP AGREEMENT.—The*
11 *Secretary shall revise the partnership agreement for any as-*
12 *essment being carried out under such section 729 to take*
13 *into account the change in non-Federal participation in the*
14 *assessment as a result of the amendments made by sub-*
15 *section (a).*

16 **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

17 *Section 203(b)(1)(B) of the Water Resources Develop-*
18 *ment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat. 2589)*
19 *is amended by inserting after “Code” the following “, and*
20 *including lands that are within the jurisdictional area of*
21 *an Oklahoma Indian tribe, as determined by the Secretary*
22 *of the Interior, and are recognized by the Secretary of the*
23 *Interior as eligible for trust land status under part 151 of*
24 *title 25, Code of Federal Regulations”.*

1 **SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELE-**
2 **MENTS.**

3 (a) *IN GENERAL.*—If, in carrying out a water re-
4 sources project, the Secretary identifies a separable element
5 that would advance a primary mission of the Corps of En-
6 gineers, with benefits that could be achieved more cost-effec-
7 tively if carried out in conjunction with the project, the Sec-
8 retary, in consultation with the non-Federal interest, may
9 carry out such separable element at Federal expense if the
10 cost of such separable element does not exceed 3 percent of
11 the Federal project cost and does not exceed \$1,000,000.

12 (b) *OPERATION AND MAINTENANCE.*—Operation and
13 maintenance of a separable element of a project carried out
14 under this section shall be a non-Federal responsibility.

15 (c) *LIMITATION ON STATUTORY CONSTRUCTION.*—
16 Nothing in this section shall be construed to increase the
17 amount authorized to be appropriated for a project beyond
18 that amount authorized by law or to provide a separate
19 authorization of appropriations.

20 **SEC. 2022. PROSECUTION OF WORK.**

21 Section 10 of the Rivers and Harbors Act of September
22 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is amended by
23 inserting after “harbors” the following: “, including any
24 planning, engineering, design, construction, operation, and
25 maintenance,”.

1 **SEC. 2023. WILDFIRE FIREFIGHTING.**

2 *Section 309 of Public Law 102–154 (42 U.S.C. 1856a-*
3 *1; 105 Stat. 1034) is amended by inserting “the Secretary*
4 *of the Army,” after “the Secretary of Energy,”.*

5 **SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.**

6 (a) *IN GENERAL.*—*The Secretary is authorized to*
7 *allow a non-Federal interest credit toward its share of*
8 *project costs for any authorized water resources development*
9 *project for the cost of materials and in-kind services, includ-*
10 *ing design and management services but not including con-*
11 *struction, provided by the non-Federal interest for imple-*
12 *mentation of the project.*

13 (b) *LIMITATION.*—*Credit authorized under subsection*
14 *(a)—*

15 (1) *shall not exceed the non-Federal share of*
16 *project costs;*

17 (2) *shall not alter any other requirements that*
18 *require a non-Federal interest to provide lands, ease-*
19 *ments, rights-of-way, and dredged material disposal*
20 *areas for the project;*

21 (3) *shall not exceed the actual and reasonable*
22 *costs of the materials or in-kind services provided by*
23 *the non-Federal interest, as determined by the Sec-*
24 *retary; and*

1 (4) *shall not be allowed unless the Secretary has*
 2 *determined that such materials or services are com-*
 3 *patible with and necessary for the project.*

4 **SEC. 2025. TECHNICAL ASSISTANCE.**

5 *Section 22 of Water Resources Development Act of*
 6 *1974 (42 U.S.C. 1962d–16) is amended—*

7 (1) *in subsection (a) by striking “The Secretary”*
 8 *and inserting the following:*

9 “(a) *FEDERAL STATE COOPERATION.—*

10 *“(1) COMPREHENSIVE PLANS.—The Secretary”;*

11 (2) *by inserting after the last sentence in sub-*
 12 *section (a) the following:*

13 “(2) *TECHNICAL ASSISTANCE.—*

14 “(A) *IN GENERAL.—At the request of a*
 15 *governmental agency or non-Federal inter-*
 16 *est, the Secretary may provide, at Federal*
 17 *expense, technical assistance to such agency*
 18 *or non-Federal interest in managing water*
 19 *resources.*

20 “(B) *TYPES OF ASSISTANCE.—Tech-*
 21 *nical assistance under this paragraph may*
 22 *include provision and integration of hydro-*
 23 *logic, economic, and environmental data*
 24 *and analyses.”*

1 (3) in subsection (b)(1) by striking “this section”
 2 each place it appears and inserting “subsection
 3 (a)(1)”;

4 (4) in subsection (c) by striking “(c) There is”
 5 and inserting the following:

6 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—

7 “(1) *FEDERAL AND STATE COOPERATION.*—There
 8 is”;

9 (5) in subsection (c) strike “the provisions of this
 10 section” and insert “subsection (a)(1);” and

11 (6) by inserting at the end of subsection (c) the
 12 following:

13 “(2) *TECHNICAL ASSISTANCE.*—There is author-
 14 ized to be appropriated \$5,000,000 annually to carry
 15 out subsection (a)(2), of which not more than
 16 \$2,000,000 annually may be used by the Secretary to
 17 enter into cooperative agreements with nonprofit or-
 18 ganizations to provide assistance to rural and small
 19 communities.”.

20 **SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPER-**
 21 **TISE.**

22 (a) *ESTABLISHMENT.*—The Secretary is authorized to
 23 establish centers to provide specialized planning expertise
 24 for water resources projects to be carried out by the Sec-

1 *retary to enhance and supplement the capabilities of the*
 2 *districts of the Army Corps of Engineers.*

3 *(b) DUTIES.—A center of expertise shall have the fol-*
 4 *lowing duties:*

5 *(1) Providing technical and managerial assist-*
 6 *ance to district engineers for project planning, devel-*
 7 *opment, and implementation.*

8 *(2) Providing peer reviews of new major sci-*
 9 *entific, engineering, or economic methods, models or*
 10 *analyses that will be used to support decisions of the*
 11 *Secretary with respect to feasibility studies.*

12 *(3) Providing support for external peer review*
 13 *panels convened by the Secretary.*

14 *(4) Performing such other duties as prescribed by*
 15 *the Secretary.*

16 **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**
 17 **STATE, AND LOCAL ACTIONS.**

18 *(a) NOTICE OF INTENT.—Upon request of the non-Fed-*
 19 *eral interest in the form of a written notice of intent to*
 20 *construct or modify a non-Federal water supply, waste-*
 21 *water infrastructure, flood damage reduction, environ-*
 22 *mental restoration, or navigation project that requires the*
 23 *approval of the Secretary, the Secretary shall initiate, sub-*
 24 *ject to subsection (g)(1), procedures to establish a schedule*
 25 *for consolidating Federal, State, and local agency and In-*

1 *dian tribe environmental assessments, project reviews, and*
2 *issuance of all permits for the construction or modification*
3 *of the project. The non-Federal interest shall submit to the*
4 *Secretary, with the notice of intent, studies and documenta-*
5 *tion, including environmental reviews, that may be re-*
6 *quired by Federal law for decisionmaking on the proposed*
7 *project. All States and Indian tribes having jurisdiction*
8 *over the proposed project shall be invited by the Secretary,*
9 *but shall not be required, to participate in carrying out*
10 *this section with respect to the project.*

11 (b) *PROCEDURAL REQUIREMENTS.—Within 15 days*
12 *after receipt of notice under subsection (a), the Secretary*
13 *shall publish such notice in the Federal Register. The Sec-*
14 *retary also shall provide written notification of the receipt*
15 *of a notice under subsection (a) to all State and local agen-*
16 *cies and Indian tribes that may be required to issue permits*
17 *for the construction of the project or related activities. The*
18 *Secretary shall solicit the cooperation of those agencies and*
19 *request their entry into a memorandum of agreement de-*
20 *scribed in subsection (c) with respect to the project. Within*
21 *30 days after publication of the notice in the Federal Reg-*
22 *ister, State and local agencies and Indian tribes that intend*
23 *to enter into the memorandum of agreement with respect*
24 *to the project shall notify the Secretary of their intent in*
25 *writing.*

1 (c) *SCHEDULING AGREEMENT.*—Within 90 days after
2 the date of receipt of notice under subsection (a) with re-
3 spect to a project, the Secretary of the Interior, the Sec-
4 retary of Commerce, and the Administrator of the Environ-
5 mental Protection Agency, as necessary, and any State or
6 local agencies that have notified the Secretary under sub-
7 section (b) shall enter into an agreement with the Secretary
8 establishing a schedule of decisionmaking for approval of
9 the project and permits associated with the project and with
10 related activities.

11 (d) *CONTENTS OF AGREEMENT.*—An agreement en-
12 tered into under subsection (c) with respect to a project,
13 to the extent practicable, shall consolidate hearing and com-
14 ment periods, procedures for data collection and report
15 preparation, and the environmental review and permitting
16 processes associated with the project and related activities.
17 The agreement shall detail, to the extent possible, the non-
18 Federal interest's responsibilities for data development and
19 information that may be necessary to process each permit
20 required for the project, including a schedule when the in-
21 formation and data will be provided to the appropriate
22 Federal, State, or local agency or Indian tribe.

23 (e) *REVISION OF AGREEMENT.*—The Secretary may re-
24 vise an agreement entered into under subsection (c) with
25 respect to a project once to extend the schedule to allow the

1 *non-Federal interest the minimum amount of additional*
 2 *time necessary to revise its original application to meet the*
 3 *objections of a Federal, State, or local agency or Indian*
 4 *tribe that is a party to the agreement.*

5 (f) *FINAL DECISION.*—*Not later than the final day of*
 6 *a schedule established by an agreement entered into under*
 7 *subsection (c) with respect to a project, the Secretary shall*
 8 *notify the non-Federal interest of the final decision on the*
 9 *project and whether the permit or permits have been issued.*

10 (g) *REIMBURSEMENT.*—

11 (1) *COSTS OF COORDINATION.*—*The costs in-*
 12 *curred by the Secretary to establish and carry out a*
 13 *schedule to consolidate Federal, State, and local agen-*
 14 *cy and Indian tribe environmental assessments,*
 15 *project reviews, and permit issuance for a project*
 16 *under this section shall be paid by the non-Federal*
 17 *interest.*

18 (2) *COSTS INCURRED TO EXPEDITE PERMITS*
 19 *AND REVIEWS.*—

20 (A) *ACCEPTANCE OF NON-FEDERAL*
 21 *FUNDS.*—*The Secretary may accept funds from*
 22 *the non-Federal interest to hire additional staff*
 23 *or obtain the services of consultants, or to pro-*
 24 *vide financial, technical, and administrative*
 25 *support to agencies that have entered into an*

1 *agreement with the Secretary under subsection*
2 *(c) with respect to a project in order to facilitate*
3 *the timely processing, review, and completion of*
4 *applicable Federal, State, and local agency and*
5 *Indian tribe environmental assessments, project*
6 *reviews, and permits for the project.*

7 *(B) USE OF FUNDS.—Funds accepted under*
8 *this paragraph shall be used to supplement exist-*
9 *ing resources of the Secretary or a participating*
10 *agency.*

11 *(C) ASSURANCE OF LEVEL OF SERVICE AND*
12 *IMPARTIALITY.—The Secretary shall ensure that*
13 *the Department of the Army and any partici-*
14 *pating agency that accepts funds under this*
15 *paragraph shall continue to provide the same*
16 *level of service to other projects and other respon-*
17 *sibilities not covered by this section as it would*
18 *provide notwithstanding any activities carried*
19 *out under this section and that acceptance of*
20 *such funds will not impact impartial decision-*
21 *making either substantively or procedurally.*

22 *(h) REPORT ON TIMESAVINGS METHODS.—Not later*
23 *than 3 years after the date of enactment of this section, the*
24 *Secretary shall prepare and transmit to Congress a report*
25 *estimating the time required for the issuance of all Federal,*

1 *State, local, and tribal permits for the construction of non-*
 2 *Federal projects for water supply, wastewater infrastruc-*
 3 *ture, flood damage reduction, environmental restoration,*
 4 *and navigation. The Secretary shall include in that report*
 5 *recommendations for further reducing the amount of time*
 6 *required for the issuance of those permits, including any*
 7 *proposed changes in existing law.*

8 **SEC. 2028. PROJECT STREAMLINING.**

9 (a) *POLICY.*—*The benefits of water resources projects*
 10 *are important to the Nation’s economy and environment,*
 11 *and recommendations to Congress regarding such projects*
 12 *should not be delayed due to uncoordinated and sequential*
 13 *environmental reviews or the failure to timely resolve dis-*
 14 *putes during the development of water resources projects.*

15 (b) *SCOPE.*—*This section shall apply to each study*
 16 *initiated after the date of enactment of this Act to develop*
 17 *a feasibility report under section 905 of the Water Resources*
 18 *Development Act of 1986 (33 U.S.C. 2282), or a reevalua-*
 19 *tion report, for a water resources project if the Secretary*
 20 *determines that such study requires an environmental im-*
 21 *pact statement under the National Environmental Policy*
 22 *Act of 1969 (42 U.S.C. 4321 et seq.).*

23 (c) *WATER RESOURCES PROJECT REVIEW PROC-*
 24 *ESS.*—*The Secretary shall develop and implement a coordi-*
 25 *nated review process for water resources projects.*

1 (d) *COORDINATED REVIEWS.*—

2 (1) *IN GENERAL.*—*The coordinated review proc-*
3 *ess under this section shall provide that all environ-*
4 *mental reviews, analyses, opinions, permits, licenses,*
5 *and approvals that must be issued or made by a Fed-*
6 *eral, State, or local government agency or Indian*
7 *tribe for a water resources project will be conducted*
8 *concurrently, to the maximum extent practicable, and*
9 *completed within a time period established by the*
10 *Secretary, in cooperation with the agencies identified*
11 *under subsection (e) with respect to the project.*

12 (2) *AGENCY PARTICIPATION.*—*Each Federal*
13 *agency identified under subsection (e) shall formulate*
14 *and implement administrative, policy, and proce-*
15 *dural mechanisms to enable the agency to ensure com-*
16 *pletion of environmental reviews, analyses, opinions,*
17 *permits, licenses, and approvals described in para-*
18 *graph (1) in a timely and environmentally respon-*
19 *sible manner.*

20 (e) *IDENTIFICATION OF JURISDICTIONAL AGENCIES.*—
21 *With respect to each water resources project, the Secretary*
22 *shall identify, as soon as practicable, all Federal, State, and*
23 *local government agencies and Indian tribes that may have*
24 *jurisdiction over environmental-related matters that may be*
25 *affected by the project or may be required by law to conduct*

1 *an environmental-related review or analysis of the project*
2 *or determine whether to issue an environmental-related per-*
3 *mit, license, or approval for the project.*

4 (f) *STATE AUTHORITY.—If a coordinated review proc-*
5 *ess is being implemented under this section by the Secretary*
6 *with respect to a water resources project within the bound-*
7 *aries of a State, the State, consistent with State law, may*
8 *choose to participate in such process and provide that all*
9 *State agencies that have jurisdiction over environmental-*
10 *related matters that may be affected by the project or may*
11 *be required by law to conduct an environmental-related re-*
12 *view or analysis of the project or determine whether to issue*
13 *an environmental-related permit, license, or approval for*
14 *the project, be subject to the process.*

15 (g) *MEMORANDUM OF UNDERSTANDING.—The coordi-*
16 *nated review process developed under this section may be*
17 *incorporated into a memorandum of understanding for a*
18 *project between the Secretary and the heads of other Fed-*
19 *eral, State, and local government agencies and Indian*
20 *tribes identified under subsection (e) with respect to the*
21 *project and the non-Federal interest for the project.*

22 (h) *EFFECT OF FAILURE TO MEET DEADLINE.—*

23 (1) *NOTIFICATION OF CONGRESS AND CEQ.—If*
24 *the Secretary determines that a Federal, State, or*
25 *local government agency, Indian tribe, or non-Federal*

1 *interest that is participating in a coordinated review*
2 *process under this section with respect to a project*
3 *has not met a deadline established under subsection*
4 *(d) for the project, the Secretary shall notify, within*
5 *30 days of the date of such determination, the Com-*
6 *mittee on Transportation and Infrastructure of the*
7 *House of Representatives, the Committee on Environ-*
8 *ment and Public Works of the Senate, the Council on*
9 *Environmental Quality, and the agency, Indian tribe,*
10 *or non-Federal interest involved about the failure to*
11 *meet the deadline.*

12 (2) *AGENCY REPORT.*—*Not later than 30 days*
13 *after the date of receipt of a notice under paragraph*
14 *(1), the Federal, State, or local government agency,*
15 *Indian tribe, or non-Federal interest involved shall*
16 *submit a report to the Secretary, the Committee on*
17 *Transportation and Infrastructure of the House of*
18 *Representatives, the Committee on Environment and*
19 *Public Works of the Senate, and the Council on Envi-*
20 *ronmental Quality explaining why the agency, In-*
21 *dian tribe, or non-Federal interest did not meet the*
22 *deadline and what actions it intends to take to com-*
23 *plete or issue the required review, analysis, opinion,*
24 *permit, license, or approval.*

1 (i) *PURPOSE AND NEED AND DETERMINATION OF*
 2 *REASONABLE ALTERNATIVES.*—

3 (1) *IN GENERAL.*—*As an official of the lead Fed-*
 4 *eral agency that is responsible for carrying out a*
 5 *study to which this section applies and its associated*
 6 *process for meeting the requirements of the National*
 7 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 8 *seq.) and as the Federal agency with expertise in*
 9 *water resources development, the Secretary, in car-*
 10 *rying out such study and process, shall—*

11 (A) *define the purpose and need for the pro-*
 12 *posed water resources project; and*

13 (B) *determine which alternatives are rea-*
 14 *sonable and may be reasonably anticipated to*
 15 *meet project purposes and needs.*

16 (2) *STREAMLINING STUDY.*—*To streamline a*
 17 *study to which this section applies and its associated*
 18 *process for meeting the requirements of the National*
 19 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 20 *seq.), the Secretary may eliminate from consideration*
 21 *any alternatives the Secretary determines are not rea-*
 22 *sonable or are not reasonably anticipated to meet*
 23 *project purposes and needs.*

24 (j) *SOLICITATION AND CONSIDERATION OF COM-*
 25 *MENTS.*—*In applying subsection (i), the Secretary shall so-*

1 *licit, consider, and respond to comments from interested*
 2 *persons and governmental entities.*

3 (k) *CATEGORICAL EXCLUSIONS.*—*Not later than 120*
 4 *days after the date of enactment of this Act, the Secretary*
 5 *shall develop and publish a list of categorical exclusions*
 6 *from the requirement that an environmental assessment or*
 7 *an environmental impact statement be prepared under the*
 8 *National Environmental Policy Act of 1969 (42 U.S.C.*
 9 *4321 et seq.) for water resources projects.*

10 (l) *LIMITATIONS.*—*Nothing in this section shall pre-*
 11 *empt or interfere with—*

12 (1) *any practice of seeking public comment;*

13 (2) *any power, jurisdiction, or authority that a*
 14 *Federal, State, or local government agency, Indian*
 15 *tribe, or non-Federal interest has with respect to car-*
 16 *rying out a water resources project; or*

17 (3) *any obligation to comply with the provisions*
 18 *of the National Environmental Policy Act of 1969 (42*
 19 *U.S.C. 4371 et seq.) and the regulations issued by the*
 20 *Council on Environmental Quality to carry out such*
 21 *Act.*

22 (m) *BENCHMARKS.*—*Within 12 months of the date of*
 23 *enactment of this Act, the Chief of Engineers shall establish*
 24 *benchmarks for determining the length of time it should take*
 25 *to conduct a feasibility study for a water resources develop-*

1 *ment project and its associated review process under the Na-*
 2 *tional Environmental Policy Act of 1969 (42 U.S.C. 4371*
 3 *et seq.). Benchmarks may be established for activities based*
 4 *on project type, size, cost, and complexity. The Chief of En-*
 5 *gineers shall use such benchmarks as a management tool*
 6 *to make the feasibility study process more efficient in all*
 7 *districts of the Army Corps of Engineers.*

8 **SEC. 2029. LAKES PROGRAM.**

9 *Section 602(a) of the Water Resources Development*
 10 *Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295)*
 11 *is amended—*

12 *(1) by striking “and” at end of paragraph (18);*

13 *(2) by striking the period at the end of para-*
 14 *graph (19) and inserting a semicolon; and*

15 *(3) by adding at the end the following:*

16 *“(20) Kinkaid Lake, Jackson County, Illinois,*
 17 *removal of silt and aquatic growth and measures to*
 18 *address excessive sedimentation;*

19 *“(21) Rogers Pond, Franklin Township, New*
 20 *Jersey, removal of silt and restoration of structural*
 21 *integrity;*

22 *“(22) Greenwood Lake, Greenwood Lake, New*
 23 *York, removal of silt and aquatic growth; and*

1 “(23) *Lake Rodgers, Creedmoor, North Carolina,*
 2 *removal of silt and excessive nutrients and restoration*
 3 *of structural integrity.*”.

4 **SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

5 (a) *COMPLETION OF MITIGATION.*—Section 906(a) of
 6 *the Water Resources Development Act of 1986 (33 U.S.C.*
 7 *2283(a)) is amended by adding at the following:*

8 “(3) *COMPLETION OF MITIGATION.*—*In those in-*
 9 *stances in which it is not technically practicable to*
 10 *complete mitigation concurrent with the last day of*
 11 *project construction because of the nature of the miti-*
 12 *gation to be undertaken, the Secretary shall complete*
 13 *the required mitigation as expeditiously as prac-*
 14 *ticable, but in no case later than the last day of the*
 15 *first fiscal year beginning after the last day of con-*
 16 *struction of the project or separable element of the*
 17 *project.*”.

18 (b) *MITIGATION PLAN CONTENTS.*—Section 906(d) of
 19 *such Act (33 U.S.C. 2283(d)) is amended by adding at the*
 20 *end the following:*

21 “(3) *CONTENTS.*—*A mitigation plan shall in-*
 22 *clude—*

23 “(A) *a description of the physical action to*
 24 *be undertaken to achieve the mitigation objectives*
 25 *within the watershed in which such losses occur*

1 *and, in any case in which mitigation must take*
2 *place outside the watershed, a justification de-*
3 *tailing the rationale for undertaking the mitiga-*
4 *tion outside of the watershed;*

5 “(B) *a description of the lands or interests*
6 *in lands to be acquired for mitigation and the*
7 *basis for a determination that such lands are*
8 *available for acquisition;*

9 “(C) *the type, amount, and characteristics*
10 *of the habitat being restored;*

11 “(D) *success criteria for mitigation based*
12 *on replacement of lost functions and values of the*
13 *habitat, including hydrologic and vegetative*
14 *characteristics; and*

15 “(E) *a plan for any necessary monitoring*
16 *to determine the success of the mitigation, in-*
17 *cluding the cost and duration of any monitoring,*
18 *and to the extent practicable, the entities respon-*
19 *sible for any monitoring.*

20 “(4) *RESPONSIBILITY FOR MONITORING.—In any*
21 *case in which it is not practicable to identify in a*
22 *mitigation plan for a water resources project, the en-*
23 *tity responsible for monitoring at the time of a final*
24 *report of the Chief of Engineers or other final decision*
25 *document for the project, such entity shall be identi-*

1 *fied in the partnership agreement entered into with*
 2 *the non-Federal interest.”.*

3 *(c) STATUS REPORT.—*

4 *(1) IN GENERAL.—Concurrent with the Presi-*
 5 *dent’s submission to Congress of the President’s re-*
 6 *quest for appropriations for the Civil Works Program*
 7 *for a fiscal year, the Secretary shall submit to the*
 8 *Committee on Transportation and Infrastructure of*
 9 *the House of Representatives and the Committee on*
 10 *the Environment and Public Works of the Senate a*
 11 *report on the status of construction of projects that re-*
 12 *quire mitigation under section 906 of Water Re-*
 13 *sources Development Act 1986 (33 U.S.C. 2283; 100*
 14 *Stat. 4186) and the status of such mitigation.*

15 *(2) PROJECTS INCLUDED.—The status report*
 16 *shall include the status of all projects that are under*
 17 *construction, all projects for which the President re-*
 18 *quests funding for the next fiscal year, and all*
 19 *projects that have completed construction, but have*
 20 *not completed the mitigation required under section*
 21 *906 of the Water Resources Development Act of 1986.*

22 **SEC. 2031. COOPERATIVE AGREEMENTS.**

23 *(a) IN GENERAL.—For the purpose of expediting the*
 24 *cost-effective design and construction of wetlands restora-*
 25 *tion that is part of an authorized water resources project,*

1 *the Secretary may enter into cooperative agreements under*
 2 *section 6305 of title 31, United States Code, with nonprofit*
 3 *organizations with expertise in wetlands restoration to*
 4 *carry out such design and construction on behalf of the Sec-*
 5 *retary.*

6 (b) *LIMITATIONS.—*

7 (1) *PER PROJECT LIMIT.—A cooperative agree-*
 8 *ment under this section shall not obligate the Sec-*
 9 *retary to pay the nonprofit organization more than*
 10 *\$1,000,000 for any single wetlands restoration*
 11 *project.*

12 (2) *ANNUAL LIMIT.—The total value of work car-*
 13 *ried out under cooperative agreements under this sec-*
 14 *tion may not exceed \$5,000,000 in any fiscal year.*

15 **SEC. 2032. PROJECT PLANNING.**

16 (a) *OBJECTIVES.—*

17 (1) *FLOOD CONTROL, NAVIGATION, AND HURRI-*
 18 *CANE AND STORM DAMAGE REDUCTION PROJECTS.—*
 19 *The Federal objective of any study of the feasibility*
 20 *of a water resources project carried out by the Sec-*
 21 *retary for flood damage reduction, navigation, or hur-*
 22 *ricane and storm damage reduction shall be to maxi-*
 23 *mize the net national economic development benefits*
 24 *associated with the project, consistent with protecting*
 25 *the Nation's environment.*

1 (2) *ECOSYSTEM RESTORATION PROJECTS.*—*The*
 2 *Federal objective of any study of the feasibility of a*
 3 *water resources project for ecosystem restoration car-*
 4 *ried out by the Secretary shall be to maximize the net*
 5 *national ecosystem restoration benefits associated*
 6 *with the project, consistent with national economic*
 7 *development.*

8 (3) *PROJECTS WITH MULTIPLE PURPOSES.*—*In*
 9 *the case of a study that includes multiple project pur-*
 10 *poses, the primary and other project purposes shall be*
 11 *evaluated, based on the relevant Federal objective*
 12 *identified under paragraphs (1) and (2).*

13 (4) *SELECTION OF PROJECT ALTERNATIVES.*—

14 (A) *IN GENERAL.*—*Notwithstanding the*
 15 *Federal objectives identified in this subsection,*
 16 *the Secretary may select a project alternative*
 17 *that does not maximize net benefits if there is an*
 18 *overriding reason based upon other Federal,*
 19 *State, local, or international concerns.*

20 (B) *FLOOD DAMAGE REDUCTION, NAVIGA-*
 21 *TION, AND HURRICANE STORM DAMAGE REDUC-*
 22 *TION PROJECTS.*—*With respect to a water re-*
 23 *sources project described in paragraph (1), an*
 24 *overriding reason for selecting a plan other than*
 25 *the plan that maximizes national economic de-*

1 *velopment benefits may be if the Secretary deter-*
2 *mines, and the non-Federal interest concurs, that*
3 *an alternative plan is feasible and achieves the*
4 *project purposes while providing greater eco-*
5 *system restoration benefits.*

6 (C) *ECOSYSTEM RESTORATION PROJECTS.—*

7 *With respect to a water resources project de-*
8 *scribed in paragraph (2), an overriding reason*
9 *for selecting a plan other than the plan that*
10 *maximizes national ecosystem restoration bene-*
11 *fits may be if the Secretary determines, and the*
12 *non-Federal interest concurs, that an alternative*
13 *is feasible and achieves the project purpose while*
14 *providing greater economic development benefits.*

15 (b) *IDENTIFYING ADDITIONAL BENEFITS AND*
16 *PROJECTS.—*

17 (1) *PRIMARILY ECONOMIC BENEFITS.—In con-*
18 *ducting a study of the feasibility of a project where*
19 *the primary benefits are expected to be economic, the*
20 *Secretary may identify ecosystem restoration benefits*
21 *that may be achieved in the study area and, after ob-*
22 *taining the participation of a non-Federal interest,*
23 *may study and recommend construction of a separate*
24 *project or separable project element to achieve those*
25 *benefits.*

1 (2) *PRIMARYLY ECOSYSTEM RESTORATION BENE-*
 2 *FITS.*—*In conducting a study of the feasibility of a*
 3 *project where the primary benefits are expected to be*
 4 *associated with ecosystem restoration, the Secretary*
 5 *may identify economic benefits that may be achieved*
 6 *in the study area and, after obtaining the participa-*
 7 *tion of a non-Federal interest, may study and rec-*
 8 *ommend construction of a separate project or sepa-*
 9 *rable project element to achieve those benefits.*

10 (3) *RULES APPLICABLE TO IDENTIFIED SEPA-*
 11 *RATE PROJECTS AND ELEMENTS.*—*Any separate*
 12 *project or separable element identified under para-*
 13 *graph (1) or (2) and recommended for construction*
 14 *shall not be considered integral to the underlying*
 15 *project under study and, if authorized, shall be subject*
 16 *to a separate partnership agreement, unless a non-*
 17 *Federal interest agrees to share in the cost of both*
 18 *projects or separable elements.*

19 (c) *CALCULATION OF BENEFITS AND COSTS FOR*
 20 *FLOOD DAMAGE REDUCTION PROJECTS.*—*A feasibility*
 21 *study for a project for flood damage reduction shall include,*
 22 *as part of the calculation of benefits and costs—*

23 (1) *a calculation of the residual risk of flooding*
 24 *following completion of the proposed project;*

1 (2) *a calculation of any upstream or down-*
 2 *stream impacts of the proposed project; and*

3 (3) *calculations to ensure that the benefits and*
 4 *costs associated with structural and nonstructural al-*
 5 *ternatives are evaluated in an equitable manner.*

6 **SEC. 2033. INDEPENDENT PEER REVIEW.**

7 (a) *PROJECT STUDIES SUBJECT TO INDEPENDENT*
 8 *PEER REVIEW.—*

9 (1) *IN GENERAL.—Project studies shall be subject*
 10 *to a peer review by an independent panel of experts*
 11 *as determined under this section.*

12 (2) *SCOPE.—The peer review may include a re-*
 13 *view of the economic and environmental assumptions*
 14 *and projections, project evaluation data, economic*
 15 *analyses, environmental analyses, engineering anal-*
 16 *yses, formulation of alternative plans, methods for in-*
 17 *tegrating risk and uncertainty, models used in eval-*
 18 *uation of economic or environmental impacts of pro-*
 19 *posed projects, and any biological opinions of the*
 20 *project study.*

21 (3) *PROJECT STUDIES SUBJECT TO PEER RE-*
 22 *VIEW.—*

23 (A) *MANDATORY.—A project study shall be*
 24 *subject to peer review under paragraph (1) if the*
 25 *project has an estimated total cost of more than*

1 \$50,000,000, including mitigation costs, and is
2 not determined by the Chief of Engineers to be
3 exempt from peer review under paragraph (6).

4 (B) *DISCRETIONARY*.—A project study may
5 be subject to peer review if—

6 (i) the Governor of an affected State
7 requests a peer review by an independent
8 panel of experts;

9 (ii) the head of a Federal or State
10 agency charged with reviewing the project
11 study determines that the project is likely to
12 have a significant adverse impact on envi-
13 ronmental, cultural, or other resources
14 under the jurisdiction of the agency after
15 implementation of proposed mitigation
16 plans and requests a peer review by an
17 independent panel of experts; or

18 (iii) the Chief of Engineers determines
19 that the project study is controversial.

20 (4) *CONTROVERSIAL PROJECTS*.—Upon receipt of
21 a written request under paragraph (3)(B) or on the
22 initiative of the Chief of Engineers, the Chief of Engi-
23 neers shall determine whether a project study is con-
24 troversial.

(5) *FACTORS TO CONSIDER.*—*In determining whether a project study is controversial, the Chief of Engineers shall consider if—*

(A) there is a significant public dispute as to the size, nature, or effects of the project; or

(B) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(6) *PROJECT STUDIES EXCLUDED FROM PEER REVIEW.*—*Project studies that may be excluded from peer review under paragraph (1) are—*

(A) a study for a project the Chief of Engineers determines—

(i) is not controversial;

(ii) has no more than negligible adverse impacts on scarce or unique cultural, historic, or tribal resources;

(iii) has no substantial adverse impacts on fish and wildlife species and their habitat prior to the implementation of mitigation measures; and

(iv) has, before implementation of mitigation measures, no more than a negligible adverse impact on a species listed as endangered or threatened species under the

1 *Endangered Species Act of 1973 (16 U.S.C.*
2 *1539 et seq.) or the critical habitat of such*
3 *species designated under such Act; and*

4 *(B) a study for a project pursued under sec-*
5 *tion 205 of the Flood Control Act of 1948 (33*
6 *U.S.C. 701s), section 2 of the Flood Control Act*
7 *of August 28, 1937 (33 U.S.C. 701g), section 14*
8 *of the Flood Control Act of 1946 (33 U.S.C.*
9 *701r), section 107(a) of the River and Harbor*
10 *Act of 1960 (33 U.S.C. 577(a)), section 3 of the*
11 *Act entitled “An Act authorizing Federal par-*
12 *ticipation in the cost of protecting the shores of*
13 *publicly owned property”, approved August 13,*
14 *1946 (33 U.S.C. 426g), section 111 of the River*
15 *and Harbor Act of 1968 (33 U.S.C. 426i), sec-*
16 *tion 3 of the Act entitled “An Act authorizing*
17 *the construction, repair, and preservation of cer-*
18 *tain public works on rivers and harbors, and for*
19 *other purposes”, approved March 2, 1945 (33*
20 *U.S.C. 603a), section 1135 of the Water Re-*
21 *sources Development Act of 1986 (33 U.S.C.*
22 *2309a), section 206 of the Water Resources De-*
23 *velopment Act of 1996 (33 U.S.C. 2330), or sec-*
24 *tion 204 of the Water Resources Development Act*
25 *of 1992 (33 U.S.C. 2326).*

1 (7) *APPEAL.*—*The decision of the Chief of Engi-*
2 *neers whether to peer review a project study shall be*
3 *published in the Federal Register and shall be subject*
4 *to appeal by a person referred to in paragraph*
5 *(3)(B)(i) or (3)(B)(ii) to the Secretary of the Army*
6 *if such appeal is made within the 30-day period fol-*
7 *lowing the date of such publication.*

8 (8) *DETERMINATION OF PROJECT COST.*—*For*
9 *purposes of determining the estimated total cost of a*
10 *project under paragraph (3)(A), the project cost shall*
11 *be based upon the reasonable estimates of the Chief of*
12 *Engineers at the completion of the reconnaissance*
13 *study for the project. If the reasonable estimate of*
14 *project costs is subsequently determined to be in excess*
15 *of the amount in paragraph (3)(A), the Chief of Engi-*
16 *neers shall make a determination whether a project*
17 *study should be reviewed under this section.*

18 (b) *TIMING OF PEER REVIEW.*—*The Chief of Engineers*
19 *shall determine the timing of a peer review of a project*
20 *study under subsection (a). In all cases, the peer review*
21 *shall occur during the period beginning on the date of the*
22 *completion of the reconnaissance study for the project and*
23 *ending on the date the draft report of the Chief of Engineers*
24 *for the project is made available for public comment. Where*
25 *the Chief of Engineers has not initiated a peer review of*

1 *a project study, the Chief of Engineers shall consider, at*
 2 *a minimum, whether to initiate a peer review at the time*
 3 *that—*

4 *(1) the without project conditions are identified;*

5 *(2) the array of alternatives to be considered are*
 6 *identified; and*

7 *(3) the preferred alternative is identified.*

8 *Nothing in this subsection shall be construed to require the*
 9 *Chief of Engineers to conduct multiple peer reviews for a*
 10 *project study.*

11 *(c) ESTABLISHMENT OF PANELS.—*

12 *(1) IN GENERAL.—For each project study subject*
 13 *to peer review under subsection (a), as soon as prac-*
 14 *ticable after the Chief of Engineers determines that a*
 15 *project study will be subject to peer review, the Chief*
 16 *of Engineers shall contract with the National Acad-*
 17 *emy of Sciences (or a similar independent scientific*
 18 *and technical advisory organization), or an eligible*
 19 *organization, to establish a panel of experts to peer*
 20 *review the project study for technical and scientific*
 21 *sufficiency.*

22 *(2) MEMBERSHIP.—A panel of experts estab-*
 23 *lished for a project study under this section shall be*
 24 *composed of independent experts who represent a bal-*

1 *ance of areas of expertise suitable for the review being*
 2 *conducted.*

3 (3) *LIMITATION ON APPOINTMENTS.*—*An indi-*
 4 *vidual may not be selected to serve on a panel of ex-*
 5 *perts established for a project study under this section*
 6 *if the individual has a financial or close professional*
 7 *association with any organization or group with a*
 8 *strong financial or organizational interest in the*
 9 *project.*

10 (4) *CONGRESSIONAL NOTIFICATION.*—*Upon iden-*
 11 *tification of a project study for peer review under this*
 12 *section, but prior to initiation of any review, the*
 13 *Chief of Engineers shall notify the Committee on En-*
 14 *vironment and Public Works of the Senate and the*
 15 *Committee on Transportation and Infrastructure of*
 16 *the House of Representatives of such review.*

17 (d) *DUTIES OF PANELS.*—*A panel of experts estab-*
 18 *lished for a peer review for a project study under this sec-*
 19 *tion shall, consistent with the scope of the referral for re-*
 20 *view—*

21 (1) *conduct a peer review for the project study*
 22 *submitted to the panel for review;*

23 (2) *assess the adequacy and acceptability of the*
 24 *economic and environmental methods, models, and*
 25 *analyses used by the Chief of Engineers;*

1 (3) *provide timely written and oral comments to*
2 *the Chief of Engineers throughout the development of*
3 *the project study, as requested; and*

4 (4) *submit to the Chief of Engineers a final re-*
5 *port containing the panel's economic, engineering,*
6 *and environmental analysis of the project study, in-*
7 *cluding the panel's assessment of the adequacy and*
8 *acceptability of the economic and environmental*
9 *methods, models, and analyses used by the Chief of*
10 *Engineers, to accompany the publication of the*
11 *project study.*

12 (e) *DURATION OF PROJECT STUDY PEER REVIEWS.—*

13 (1) *DEADLINE.—A panel of experts shall—*

14 (A) *complete its peer review under this sec-*
15 *tion for a project study and submit a report to*
16 *the Chief of Engineers under subsection (d)(4)*
17 *within 180 days after the date of establishment*
18 *of the panel, or, if the Chief of Engineers deter-*
19 *mines that a longer period of time is necessary,*
20 *such period of time established by the Chief of*
21 *Engineers, but in no event later than 90 days*
22 *after the date a draft project study is made*
23 *available for public review; and*

24 (B) *terminate on the date of submission of*
25 *the report.*

1 (2) *FAILURE TO MEET DEADLINE.*—If a panel
 2 does not complete its peer review of a project study
 3 under this section and submit a report to the Chief
 4 of Engineers under subsection (d)(4) on or before the
 5 deadline established by paragraph (1) for the project
 6 study, the Chief of Engineers shall continue the
 7 project study for the project that is subject to peer re-
 8 view by the panel without delay.

9 (f) *RECOMMENDATIONS OF PANEL.*—

10 (1) *CONSIDERATION BY THE CHIEF OF ENGI-*
 11 *NEERS.*—After receiving a report on a project study
 12 from a panel of experts under this section and before
 13 entering a final record of decision for the project, the
 14 Chief of Engineers shall consider any recommenda-
 15 tions contained in the report and prepare a written
 16 response for any recommendations adopted or not
 17 adopted.

18 (2) *PUBLIC AVAILABILITY AND TRANSMITTAL TO*
 19 *CONGRESS.*—After receiving a report on a project
 20 study from a panel of experts under this section, the
 21 Chief of Engineers shall—

22 (A) make a copy of the report and any
 23 written response of the Chief of Engineers on rec-
 24 ommendations contained in the report available
 25 to the public; and

1 (B) transmit to Congress a copy of the re-
2 port, together with any such written response, on
3 the date of a final report of the Chief of Engi-
4 neers or other final decision document for a
5 project study that is subject to peer review by the
6 panel.

7 (g) COSTS.—

8 (1) IN GENERAL.—The costs of a panel of experts
9 established for a peer review under this section—

10 (A) shall be a Federal expense; and

11 (B) shall not exceed \$500,000.

12 (2) WAIVER.—The Chief of Engineers may waive
13 the \$500,000 limitation contained in paragraph
14 (1)(B) in cases that the Chief of Engineers determines
15 appropriate.

16 (h) APPLICABILITY.—This section shall apply to—

17 (1) project studies initiated during the 2-year
18 period preceding the date of enactment of this Act and
19 for which the array of alternatives to be considered
20 has not been identified; and

21 (2) project studies initiated during the period be-
22 ginning on such date of enactment and ending 4
23 years after such date of enactment.

1 (i) *REPORT*.—Within 4 1/2 years of the date of enact-
 2 ment of this section, the Chief of Engineers shall submit
 3 a report to Congress on the implementation of this section.

4 (j) *NONAPPLICABILITY OF FACA*.—The Federal Advi-
 5 sory Committee Act (5 U.S.C. App.) shall not apply to any
 6 peer review panel established under this section.

7 (k) *SAVINGS CLAUSE*.—Nothing in this section shall
 8 be construed to affect any authority of the Chief of Engi-
 9 neers to cause or conduct a peer review of a water resources
 10 project existing on the date of enactment of this section.

11 (l) *DEFINITIONS*.—In this section, the following defini-
 12 tions apply:

13 (1) *PROJECT STUDY*.—The term “project study”
 14 means a feasibility study or reevaluation study for a
 15 project. The term also includes any other study asso-
 16 ciated with a modification or update of a project that
 17 includes an environmental impact statement, includ-
 18 ing the environmental impact statement.

19 (2) *AFFECTED STATE*.—The term “affected
 20 State”, as used with respect to a project, means a
 21 State all or a portion of which is within the drainage
 22 basin in which the project is or would be located and
 23 would be economically or environmentally affected as
 24 a consequence of the project.

1 (3) *ELIGIBLE ORGANIZATION.*—*The term “eligible*
 2 *organization” means an organization that—*

3 *(A) is described in section 501(c)(3), and*
 4 *exempt from Federal tax under section 501(a), of*
 5 *the Internal Revenue Code of 1986;*

6 *(B) is independent;*

7 *(C) is free from conflicts of interest;*

8 *(D) does not carry out or advocate for or*
 9 *against Federal water resources projects; and*

10 *(E) has experience in establishing and ad-*
 11 *ministering peer review panels.*

12 ***TITLE III—PROJECT-RELATED*** 13 ***PROVISIONS***

14 ***SEC. 3001. COOK INLET, ALASKA.***

15 (a) *ANCHORAGE HARBOR.*—*The project for navigation*
 16 *improvements, Cook Inlet, Alaska (Anchorage Harbor, Alas-*
 17 *ka), authorized by section 101 of the River and Harbor Act*
 18 *of 1958 (72 Stat. 299) and modified by section 199 of the*
 19 *Water Resources Development Act of 1976 (90 Stat. 2944),*
 20 *is further modified to direct the Secretary to establish a har-*
 21 *bor depth of minus 45 feet mean lower low water for a*
 22 *length of 5,200 feet at the modified Port of Anchorage inter-*
 23 *modal marine facility at each phase as such phases are*
 24 *completed and thereafter as the entire project is completed,*
 25 *at a total cost of \$8,175,000. Federal maintenance shall*

1 *continue for the existing facility until the modified facility*
 2 *is completed. Federal maintenance of the modified project*
 3 *shall be in accordance with such section 101; except that*
 4 *the project shall be maintained at a depth of minus 45 feet*
 5 *mean lower low water for such 5,200 feet, at an estimated*
 6 *annual cost of \$6,000,000.*

7 (b) *NAVIGATION CHANNEL.—The Secretary shall mod-*
 8 *ify the channel depth to run the entire length of Fire Island*
 9 *Range and Point Woronzof Range maintaining the same*
 10 *width and modifying the depth to minus 45 feet mean lower*
 11 *low water in the existing Cook Inlet Navigation Channel*
 12 *approach to Anchorage Harbor, Alaska, at a total cost of*
 13 *\$21,525,000. The project shall be maintained at a depth of*
 14 *minus 45 mean lower low water, at an estimated annual*
 15 *cost of \$3,000,000.*

16 **SEC. 3002. KING COVE HARBOR, ALASKA.**

17 *The maximum amount of Federal funds that may be*
 18 *expended for the project for navigation, King Cove Harbor,*
 19 *Alaska, being carried out under section 107 of the River*
 20 *Harbor Act of 1960 (33 U.S.C. 577), shall be \$8,000,000.*

21 **SEC. 3003. SITKA, ALASKA.**

22 *The Thompson Harbor, Sitka, Alaska, element of the*
 23 *project for navigation Southeast Alaska Harbors of Refuge,*
 24 *Alaska, authorized by section 101 of the Water Resources*
 25 *Development Act of 1992 (106 Stat. 4801), is modified to*

1 *direct the Secretary to take such action as may be necessary*
 2 *to correct design deficiencies in such element, at a Federal*
 3 *expense of \$6,300,000.*

4 **SEC. 3004. TATILEK, ALASKA.**

5 *The maximum amount of Federal funds that may be*
 6 *expended for the project for navigation, Tatilek, Alaska,*
 7 *being carried out under section 107 of the River and Harbor*
 8 *Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.*

9 **SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

10 *The project for flood control, Nogales Wash and tribu-*
 11 *taries, Arizona, authorized by section 101(a)(4) of the*
 12 *Water Resources Development Act of 1990 (104 Stat. 4606)*
 13 *and modified by section 303 of the Water Resources Devel-*
 14 *opment Act of 1996 (110 Stat. 3711) and section 302 of*
 15 *the Water Resources Development Act of 2000 (114 Stat.*
 16 *2600), is further modified to direct the Secretary to use the*
 17 *Mexico Plan-1st Added Increment, as described in the lim-*
 18 *ited reevaluation report dated September 13, 2002, to deter-*
 19 *mine the cost allocation and cost apportionment for the*
 20 *project.*

21 **SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO**
 22 **BASIN, ARKANSAS.**

23 *The Secretary shall review the general reevaluation re-*
 24 *port for the Bayou Meto basin element of the project for*
 25 *Grand Prairie Region and Bayou Meto Basin, Arkansas,*

1 *reauthorized by section 363(a) of the Water Resources De-*
 2 *velopment Act of 1996 (110 Stat. 3730), and make a deter-*
 3 *mination of whether the element is feasible, regardless of*
 4 *mission priorities.*

5 **SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.**

6 *The project for flood control, Saint Francis Basin,*
 7 *Missouri and Arkansas, authorized by section 204 of the*
 8 *Flood Control Act of 1950 (64 Stat. 172), is modified to*
 9 *authorize the Secretary to construct improvements along*
 10 *Ditch No. 1 that consist of a gated culvert through the Saint*
 11 *Francis Levee and related channel improvements.*

12 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**
 13 **FORNIA.**

14 *The project for flood damage reduction, American and*
 15 *Sacramento Rivers, California, authorized by section*
 16 *101(a)(1) of the Water Resources Development Act of 1996*
 17 *(110 Stat. 3662–3663) and modified by section 366 of the*
 18 *Water Resources Development Act of 1999 (113 Stat. 319–*
 19 *320), is further modified to direct the Secretary to carry*
 20 *out the project, at a total cost of \$205,000,000.*

21 **SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.**

22 *The project for flood control, Cache Creek Basin, Cali-*
 23 *fornia, authorized by section 401(a) of the Water Resources*
 24 *Development Act of 1986 (100 Stat. 4112), is modified to*
 25 *direct the Secretary to mitigate the impacts of the new south*

1 levee of the Cache Creek settling basin on the city of Wood-
 2 land's storm drainage system, including all appurtenant
 3 features, erosion control measures, and environmental pro-
 4 tection features. Such mitigation shall restore the city's
 5 preproject capacity (1,360 cubic feet per second) to release
 6 water to the Yolo Bypass, including channel improvements,
 7 an outlet work through the west levee of the Yolo Bypass,
 8 and a new low-flow cross channel to handle city and county
 9 storm drainage and settling basin flows (1,760 cubic feet
 10 per second) when the Yolo Bypass is in a low flow condi-
 11 tion.

12 **SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
 13 **FORNIA.**

14 *The project for aquatic ecosystem restoration, Grayson*
 15 *Creek/Murderer's Creek, California, being carried out under*
 16 *section 206 of the Water Resources Development Act of 1996*
 17 *(33 U.S.C. 2330), is modified to direct the Secretary to*
 18 *credit toward the non-Federal share of the cost of the project*
 19 *the cost of work carried out by the non-Federal interest be-*
 20 *fore the date of the partnership agreement for the project*
 21 *if the Secretary determines that the work is integral to the*
 22 *project and to authorize the Secretary to consider national*
 23 *ecosystem restoration benefits in determining the Federal*
 24 *interest in the project.*

1 **SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
2 **TON SHIP CHANNEL, CALIFORNIA.**

3 *The project for navigation, San Francisco to Stockton,*
4 *California, authorized by section 301 of the River and Har-*
5 *bor Act of 1965 (79 Stat. 1091) is modified—*

6 *(1) to provide that the non-Federal share of the*
7 *cost of the John F. Baldwin Ship Channel and Stock-*
8 *ton Ship Channel element of the project may be pro-*
9 *vided in the form of in-kind services and materials;*
10 *and*

11 *(2) to direct the Secretary to credit toward the*
12 *non-Federal share of the cost of such element the cost*
13 *of planning and design work carried out by the non-*
14 *Federal interest before the date of an agreement for*
15 *such planning and design if the Secretary determines*
16 *that such work is integral to such element.*

17 **SEC. 3012. LOS ANGELES HARBOR, LOS ANGELES, CALI-**
18 **FORNIA.**

19 *The project for navigation, Los Angeles Harbor, Los*
20 *Angeles, California, authorized by section 101(b)(5) of the*
21 *Water Resources Development Act of 2000 (114 Stat. 2577),*
22 *is modified to direct the Secretary to credit toward the non-*
23 *Federal share of the cost of the project the cost of the plan-*
24 *ning, design, and construction work carried out by the non-*
25 *Federal interest before the date of the partnership agreement*

1 *for the project if the Secretary determines the work is inte-*
2 *gral to the project.*

3 **SEC. 3013. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
4 **FORNIA.**

5 *The project for navigation, Larkspur Ferry Channel,*
6 *Larkspur, California, authorized by section 601(d) of the*
7 *Water Resources Development Act of 1986 (100 Stat. 4148),*
8 *is modified to direct the Secretary to prepare a limited re-*
9 *evaluation report to determine whether maintenance of the*
10 *project is feasible. If the Secretary determines that mainte-*
11 *nance of the project is feasible, the Secretary shall carry*
12 *out the maintenance.*

13 **SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA**
14 **RIVER, CALIFORNIA.**

15 *In carrying out the feasibility study for the project for*
16 *aquatic ecosystem restoration, Napa River Salt Marsh Res-*
17 *toration, Napa and Sonoma Counties, California, the Sec-*
18 *retary shall determine whether work carried out by the non-*
19 *Federal interest is integral to the project. In any case in*
20 *which the work is determined to be integral to the project*
21 *before completion of the final report of the Chief of Engi-*
22 *neers on the project, such work shall be included as part*
23 *of the project, and the cost of such work shall be rec-*
24 *ommended in the final report for credit toward the non-*
25 *Federal share of the cost of the project. Work carried out*

1 *after submission of the final report and before the date of*
 2 *the partnership agreement for the project that is determined*
 3 *to be integral to the project shall be considered as part of*
 4 *the project, and the cost of such work shall be credited to-*
 5 *ward the non-Federal share of the cost of the project.*

6 **SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
 7 **FORNIA.**

8 *The project for aquatic ecosystem restoration, Pacific*
 9 *Flyway Center, Sacramento, California, being carried out*
 10 *under section 206 of the Water Resources Development Act*
 11 *of 1996 (33 U.S.C. 2330), is modified to authorize the Sec-*
 12 *retary to expend \$2,000,000 to enhance public access to the*
 13 *project.*

14 **SEC. 3016. PINOLE CREEK, CALIFORNIA.**

15 *The project for improvement of the quality of the envi-*
 16 *ronment, Pinole Creek Phase I, California, being carried*
 17 *out under section 1135 of the Water Resources Development*
 18 *Act of 1986 (33 U.S.C. 2309a), is modified to direct the*
 19 *Secretary to credit toward the non-Federal share of the cost*
 20 *of the project the cost of work carried out by the non-Federal*
 21 *interest before the date of the partnership agreement for the*
 22 *project if the Secretary determines that the work is integral*
 23 *to the project.*

1 **SEC. 3017. PRADO DAM, CALIFORNIA.**

2 *Upon completion of the modifications to the Prado*
 3 *Dam element of the project for flood control, Santa Ana*
 4 *River Mainstem, California, authorized by section 401(a)*
 5 *of the Water Resources Development Act of 1986 (100 Stat.*
 6 *4113), the Memorandum of Agreement for the Operation for*
 7 *Prado Dam for Seasonal Additional Water Conservation*
 8 *between the Department of the Army and the Orange Coun-*
 9 *ty Water District (including all the conditions and stipula-*
 10 *tions in the memorandum) shall remain in effect for vol-*
 11 *umes of water made available prior to such modifications.*

12 **SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL,**
 13 **CALIFORNIA.**

14 *The project for navigation, Sacramento Deep Water*
 15 *Ship Channel, California, authorized by section 202(a) of*
 16 *the Water Resources Development Act of 1986 (100 Stat.*
 17 *4092), is modified to direct the Secretary to credit toward*
 18 *the non-Federal share of the cost of the project the cost of*
 19 *planning and design work carried out by the non-Federal*
 20 *interest before the date of the partnership agreement for the*
 21 *project if the Secretary determines that the work is integral*
 22 *to the project.*

23 **SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
 24 **FORNIA.**

25 *The project for flood control, Sacramento River, Cali-*
 26 *fornia, authorized by section 2 of the Act entitled “An Act*

1 to provide for the control of the floods of the Mississippi
 2 River and of the Sacramento River, California, and for
 3 other purposes”, approved March 1, 1917 (39 Stat. 949),
 4 and modified by section 102 of the Energy and Water De-
 5 velopment Appropriations Act, 1990 (103 Stat. 649), sec-
 6 tion 301(b)(3) of the Water Resources Development Act of
 7 1996 (110 Stat. 3110), title I of the Energy and Water De-
 8 velopment Appropriations Act, 1999 (112 Stat. 1841), and
 9 section 305 of the Water Resources Development Act of 1999
 10 (113 Stat. 299), is further modified to direct the Secretary
 11 to credit the non-Federal interest up to \$4,000,000 toward
 12 the non-Federal share of the cost of the project for costs in-
 13 curred by the non-Federal interest in carrying out activities
 14 (including the provision of lands, easements, rights-of-way,
 15 relocations, and dredged material disposal areas) associated
 16 with environmental compliance for the project if the Sec-
 17 retary determines that the activities are integral to the
 18 project.

19 **SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.**

20 The project for flood control, San Lorenzo River, Cali-
 21 fornia, authorized by section 101(a)(5) of the Water Re-
 22 sources Development Act of 1996 (110 Stat. 3663), is modi-
 23 fied to direct the Secretary to credit not more than
 24 \$2,000,000 toward the non-Federal share of the cost of the
 25 project for the cost of the work carried out by the non-Fed-

1 eral interest before the date of the partnership agreement
 2 for the project if the Secretary determines the work is inte-
 3 gral to the project.

4 **SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

5 The project for flood damage reduction and recreation,
 6 Upper Guadalupe River, California, described as the By-
 7 pass Channel Plan of the Chief of Engineers dated August
 8 19, 1998, authorized by section 101(a)(9) of the Water Re-
 9 sources Development Act of 1999 (113 Stat. 275), is modi-
 10 fied to authorize the Secretary to construct the project, at
 11 a total cost of \$140,328,000, with an estimated Federal cost
 12 of \$70,164,000, and an estimated non-Federal cost of
 13 \$70,164,000. The non-Federal share of the cost of the project
 14 shall be subject to section 103(a)(3) of the Water Resources
 15 Development Act of 1986 (33 U.S.C. 2213(a)(3)).

16 **SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.**

17 The project for aquatic ecosystem restoration, Walnut
 18 Creek Channel, California, being carried out under section
 19 206 of the Water Resources Development Act of 1996 (33
 20 U.S.C. 2330), is modified to direct the Secretary to credit
 21 toward the non-Federal share of the cost of the project the
 22 cost of work carried out by the non-Federal interest before
 23 the date of the partnership agreement for the project if the
 24 Secretary determines that the work is integral to the project
 25 and to authorize the Secretary to consider national eco-

1 *system restoration benefits in determining the Federal in-*
2 *terest in the project.*

3 **SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
4 **FORNIA.**

5 *The project for improvement of the quality of the envi-*
6 *ronment, Wildcat/San Pablo Creek Phase I, California,*
7 *being carried out under section 1135 of the Water Resources*
8 *Development Act of 1986 (33 U.S.C. 2309a), is modified*
9 *to direct the Secretary to credit toward the non-Federal*
10 *share of the cost of the project the cost of work carried out*
11 *by the non-Federal interest before the date of the partner-*
12 *ship agreement for the project if the Secretary determines*
13 *that the work is integral to the project.*

14 **SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
15 **FORNIA.**

16 *The project for aquatic ecosystem restoration, Wildcat/*
17 *San Pablo Creek Phase II, California, being carried out*
18 *under section 206 of the Water Resources Development Act*
19 *of 1996 (33 U.S.C. 2330), is modified to direct the Secretary*
20 *to credit toward the non-Federal share of the cost of the*
21 *project the cost of work carried out by the non-Federal in-*
22 *terest before the date of the partnership agreement for the*
23 *project if the Secretary determines that the work is integral*
24 *to the project and to authorize the Secretary to consider*

1 *national ecosystem restoration benefits in determining the*
 2 *Federal interest in the project.*

3 **SEC. 3025. BREVARD COUNTY, FLORIDA.**

4 *Section 310 of the Water Resources Development Act*
 5 *of 1999 (113 Stat. 301) is amended by adding at the end*
 6 *the following:*

7 *“(d) CREDIT.—After completion of the study, the Sec-*
 8 *retary shall credit toward the non-Federal share of the cost*
 9 *of the project the cost of nourishment and renourishment*
 10 *associated with the shore protection project incurred by the*
 11 *non-Federal interest to respond to damages to Brevard*
 12 *County beaches that are the result of a Federal navigation*
 13 *project, as determined in the final report for the study.”.*

14 **SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET,**
 15 **FLORIDA.**

16 *The project for shore protection, Broward County and*
 17 *Hillsboro Inlet, Florida, authorized by section 301 of the*
 18 *River and Harbor Act of 1965 (79 Stat. 1090), and modi-*
 19 *fied by section 311 of the Water Resources Development Act*
 20 *of 1999 (113 Stat. 301), is further modified to direct the*
 21 *Secretary to credit toward the non-Federal share of the cost*
 22 *of the project the cost of mitigation construction and derelict*
 23 *erosion control structure removal carried out by the non-*
 24 *Federal interest before the date of the partnership agreement*

1 *for the project if the Secretary determines that the work is*
 2 *integral to the project.*

3 **SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

4 *The project for shore protection, Gasparilla and Estero*
 5 *Island segments, Lee County, Florida, authorized under sec-*
 6 *tion 201 of the Flood Control Act of 1965 (79 Stat. 1073)*
 7 *by Senate Resolution dated December 17, 1970, and by*
 8 *House Resolution dated December 15, 1970, and modified*
 9 *by section 309 of the Water Resources Development Act of*
 10 *2000 (114 Stat. 2602), is further modified to direct the Sec-*
 11 *retary to credit toward the non-Federal share of the cost*
 12 *of the project the cost of work carried out by the non-Federal*
 13 *interest before the date of the partnership agreement for the*
 14 *project if the Secretary determines that the work is integral*
 15 *to the project.*

16 **SEC. 3028. LIDO KEY BEACH, SARASOTA, FLORIDA.**

17 *The project for shore protection, Lido Key Beach,*
 18 *Sarasota, Florida, authorized by section 101 of the River*
 19 *and Harbor Act of 1970 (84 Stat. 1819), deauthorized*
 20 *under section 1001(b) of the Water Resources Development*
 21 *Act of 1986 (33 U.S.C. 579a(b)), and reauthorized by sec-*
 22 *tion 364(2)(A) of the Water Resources Development Act of*
 23 *1999 (113 Stat. 313), is modified to direct the Secretary*
 24 *to construct the project, at a total cost of \$12,926,000, with*
 25 *an estimated Federal cost of \$6,547,000 and an estimated*

1 *non-Federal cost of \$6,379,000, and at an estimated average*
 2 *annual cost of \$925,000 for periodic nourishment over the*
 3 *50-year life of the project, with an estimated annual Fed-*
 4 *eral cost of \$468,500 and an estimated annual non-Federal*
 5 *cost of \$456,500.*

6 **SEC. 3029. MANATEE HARBOR, FLORIDA.**

7 *The project for navigation, Manatee Harbor, Florida,*
 8 *authorized by section 202(a) of the Water Resources Devel-*
 9 *opment Act of 1986 (100 Stat. 4093) and modified by sec-*
 10 *tion 102(j) of the Water Resources Development Act of 1990*
 11 *(104 Stat. 4612), is further modified—*

12 *(1) to include the construction of an extension of*
 13 *the south channel a distance of approximately 1584*
 14 *feet consistent with the general reevaluation report,*
 15 *dated April 2002, prepared by the Jacksonville Dis-*
 16 *trict Corps of Engineers, at a total cost of*
 17 *\$11,300,000, with an estimated Federal cost of*
 18 *\$8,475,000 and an estimated non-Federal cost of*
 19 *\$2,825,000;*

20 *(2) to direct the Secretary to credit toward the*
 21 *non-Federal share of the cost of the project the cost of*
 22 *in-kind services and materials provided for the project*
 23 *by the non-Federal interest;*

24 *(3) to direct the Secretary to credit toward the*
 25 *non-Federal share of the cost of the project the cost of*

1 *planning, design, and construction work carried out*
 2 *by the non-Federal interest before the date of the part-*
 3 *nership agreement for the project if the Secretary de-*
 4 *termines that the work is integral to the project; and*
 5 *(4) to authorize the Secretary to carry out the*
 6 *project as modified at a total cost of \$61,500,000.*

7 **SEC. 3030. TAMPA HARBOR, FLORIDA.**

8 *The project for navigation, Tampa Harbor, Florida,*
 9 *referred to in section 4 of the Rivers and Harbors Act of*
 10 *September 22, 1922 (42 Stat. 1042), is modified to direct*
 11 *the Secretary to credit toward the non-Federal share of the*
 12 *cost of the project the cost of planning, design, and construc-*
 13 *tion work carried out by the non-Federal interest before the*
 14 *date of the partnership agreement for the project if the Sec-*
 15 *retary determines that the work is integral to the project.*

16 **SEC. 3031. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

17 *The project for navigation, Tampa Harbor-Big Bend*
 18 *Channel, Florida, authorized by section 101(a)(18) of the*
 19 *Water Resources Development Act of 1999 (113 Stat. 276)*
 20 *is modified to direct the Secretary to credit toward the non-*
 21 *Federal share of the cost of the project the cost of planning,*
 22 *design, and construction work carried out by the non-Fed-*
 23 *eral interest before the date of the partnership agreement*
 24 *for the project if the Secretary determines that the work is*
 25 *integral to the project.*

1 **SEC. 3032. MIAMI HARBOR, FLORIDA.**

2 *The project for navigation, Miami Harbor Channel,*
3 *Florida, authorized by section 101(a)(9) of the Water Re-*
4 *sources Development Act of 1990 (104 Stat. 4606) and*
5 *modified by section 315 of the Water Resources Development*
6 *Act of 1999 (113 Stat. 302), is further modified to include*
7 *as a project purpose environmental mitigation required be-*
8 *fore July 18, 2003, by Federal, State, and local environ-*
9 *mental agencies for unauthorized or unanticipated environ-*
10 *mental impacts within, or in the vicinity of, the authorized*
11 *project.*

12 **SEC. 3033. LITTLE WOOD RIVER, GOODING, IDAHO.**

13 *The project for flood damage reduction, Little Wood*
14 *River, Gooding, Idaho, being carried out under section 205*
15 *of the Flood Control Act of 1948 (33 U.S.C. 701s), is modi-*
16 *fied—*

17 *(1) to authorize the non-Federal interest to pro-*
18 *vide any portion of the non-Federal share of the cost*
19 *of the project in the form of services, materials, sup-*
20 *plies, or other in-kind contributions;*

21 *(2) to authorize the non-Federal interest to use*
22 *funds made available under any other Federal pro-*
23 *gram toward the non-Federal share of the cost of the*
24 *project if such use of the funds is permitted under the*
25 *other Federal program; and*

1 (3) to direct the Secretary, in calculating the
2 non-Federal share of the cost of the project, to make
3 a determination under section 103(m) of the Water
4 Resources Development Act of 1986 (33 U.S.C.
5 2213(m)) on the non-Federal interest's ability to pay.

6 **SEC. 3034. HENNEPIN-HOPPER LAKES, ILLINOIS.**

7 (a) *PROJECT PURPOSE*.—The project for flood control,
8 Hennepin levees, Illinois, authorized by the Flood Control
9 Act of June 26, 1936 (35 Stat. 1583), is modified to add
10 environmental restoration as a project purpose.

11 (b) *MAXIMUM AMOUNT*.—The maximum amount of
12 Federal funds that may be expended for the project for im-
13 provement of the quality of the environment, Hennepin-
14 Hopper Lakes, Illinois, being carried out under section
15 1135 of the Water Resources Development Act of 1986 (33
16 U.S.C. 2309a), shall be \$7,500,000.

17 (c) *LIMITATION*.—Nothing in this section shall affect
18 the eligibility of the project for emergency repair assistance
19 under section 5(a) of the Act entitled “An Act authorizing
20 the construction of certain public works on rivers and har-
21 bors for flood control, and for other purposes”, approved
22 August 18, 1941 (33 U.S.C. 701n).

1 **SEC. 3035. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLI-**
2 **NOIS.**

3 (a) *IN GENERAL.*—The project for flood control, Mis-
4 sissippi River and Big Muddy River, Illinois, authorized
5 by the Flood Control Act of 1938, is modified to authorize
6 the Secretary to carry out repair and rehabilitation of the
7 project at a total cost of \$22,600,000, with an estimated
8 Federal cost of \$16,950,000 and an estimated non-Federal
9 cost of \$5,650,000, and to perform operation and mainte-
10 nance of the project thereafter.

11 (b) *OTHER ASSISTANCE.*—Federal assistance made
12 available through the Department of Agriculture may be
13 used toward payment of the non-Federal share of the costs
14 of the repair and rehabilitation under this section.

15 (c) *UNITED STATES LANDS.*—Costs under this section
16 for the repair and rehabilitation allocable to the protection
17 of lands owned by the United States shall be a Federal re-
18 sponsibility. The Secretary shall seek reimbursement from
19 the Secretary of Agriculture for the costs allocated to pro-
20 tecting lands owned by the Department of Agriculture.

21 (d) *OPERATION AND MAINTENANCE OF NON-FEDERAL*
22 *LANDS.*—The cost of operation and maintenance under this
23 section allocated to protecting non-Federal lands shall be
24 a non-Federal responsibility.

1 **SEC. 3036. SPUNKY BOTTOMS, ILLINOIS.**

2 (a) *PROJECT PURPOSE.*—*The project for flood control*
3 *at Spunky Bottoms, Illinois, authorized by section 5 of the*
4 *Flood Control Act of June 26, 1936 (35 Stat. 1584), is*
5 *modified to add environmental restoration as a project pur-*
6 *pose.*

7 (b) *MAXIMUM AMOUNT.*—*The maximum amount of*
8 *Federal funds that may be expended for the project for im-*
9 *provement of the quality of the environment, Spunky Bot-*
10 *toms, Illinois, being carried out under section 1135 of the*
11 *Water Resources Development Act of 1986 (33 U.S.C.*
12 *2309a), shall be \$7,500,000.*

13 (c) *LIMITATION.*—*Nothing in this section shall affect*
14 *the eligibility of the project for emergency repair assistance*
15 *under section 5(a) of the Act entitled “An Act authorizing*
16 *the construction of certain public works on rivers and har-*
17 *bors for flood control, and for other purposes”, approved*
18 *August 18, 1941 (33 U.S.C. 701n).*

19 **SEC. 3037. EMIQUON, ILLINOIS.**

20 (a) *MAXIMUM AMOUNT.*—*The maximum amount of*
21 *Federal funds that may be expended for the project for*
22 *aquatic ecosystem restoration, Emiquon, Illinois, being car-*
23 *ried out under section 206 of the Water Resources Develop-*
24 *ment Act of 1996 (33 U.S.C. 2330), shall be \$7,500,000.*

25 (b) *LIMITATION.*—*Nothing in this section shall affect*
26 *the eligibility of the project for emergency repair assistance*

1 *under section 5(a) of the Act entitled “An Act authorizing*
 2 *the construction of certain public works on rivers and har-*
 3 *bors for flood control, and for other purposes”, approved*
 4 *August 18, 1941 (33 U.S.C. 701n).*

5 **SEC. 3038. LITTLE CALUMET RIVER, INDIANA.**

6 *The project for flood control, Little Calumet River, In-*
 7 *diana, authorized by section 401(a) of the Water Resources*
 8 *Development Act of 1986 (100 Stat. 4115), is modified to*
 9 *authorize the Secretary to carry out the project in accord-*
 10 *ance with the postauthorization change report dated August*
 11 *2000, at a total cost of \$186,300,000, with an estimated*
 12 *Federal cost of \$136,600,000 and an estimated non-Federal*
 13 *cost of \$49,700,000.*

14 **SEC. 3039. WHITE RIVER, INDIANA.**

15 *The project for flood control, Indianapolis on West*
 16 *Fork of White River, Indiana, authorized by section 5 of*
 17 *the Act entitled “An Act authorizing the construction of cer-*
 18 *tain public works on rivers and harbors for flood control,*
 19 *and other purposes”, approved June 22, 1936 (49 Stat.*
 20 *1586), and modified by section 323 of the Water Resources*
 21 *Development Act of 1996 (110 Stat. 3716) and section 322*
 22 *of the Water Resources Development Act of 1999 (113 Stat.*
 23 *303–304), is further modified to authorize the Secretary to*
 24 *undertake the riverfront alterations described in the Central*
 25 *Indianapolis Waterfront Concept Plan, dated February*

1 1994, for the Fall Creek Reach feature, at a total cost of
 2 \$28,545,000 and to direct the Secretary to credit toward
 3 the non-Federal share of the cost of the project the cost of
 4 planning, design, and construction work carried out by the
 5 non-Federal interest before the date of the partnership
 6 agreement for the project if the Secretary determines that
 7 the work is integral to the project.

8 **SEC. 3040. WOLF LAKE, INDIANA.**

9 The project for aquatic ecosystem restoration, Wolf
 10 Lake, Indiana, being carried out under section 206 of the
 11 Water Resources Development Act of 1996 (33 U.S.C. 2330),
 12 is modified to direct the Secretary to credit toward the non-
 13 Federal share of the cost of the project the cost of planning,
 14 design, and construction work carried out by the non-Fed-
 15 eral interest before the date of the partnership agreement
 16 for the project if the Secretary determines that the work is
 17 integral to the project.

18 **SEC. 3041. PRESTONSBURG, KENTUCKY.**

19 The Prestonsburg, Kentucky, element of the project for
 20 flood control, Levisa and Tug Fork of the Big Sandy and
 21 Cumberland Rivers, West Virginia, Virginia, and Ken-
 22 tucky, authorized by section 202(a) of the Energy and
 23 Water Development Appropriations Act, 1981 (94 Stat.
 24 1339), is modified to direct the Secretary to take measures

1 *to provide a 100-year level of flood protection for the city*
 2 *of Prestonsburg.*

3 **SEC. 3042. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
 4 **EAST BATON ROUGE PARISH WATERSHED.**

5 *The project for flood damage reduction and recreation,*
 6 *Amite River and Tributaries, Louisiana, East Baton Rouge*
 7 *Parish Watershed, authorized by section 101(a)(21) of the*
 8 *Water Resources Development Act of 1999 (113 Stat. 277)*
 9 *and modified by section 116 of Division D of Public Law*
 10 *108–7 (117 Stat. 140), is further modified to direct the Sec-*
 11 *retary to carry out the project with the cost sharing for the*
 12 *project determined in accordance with section 103(a) of the*
 13 *Water Resources Development Act of 1986 (33 U.S.C.*
 14 *2213(a)), as in effect on October 11, 1996.*

15 **SEC. 3043. ATCHAFALAYA BASIN, LOUISIANA.**

16 *(a) IN GENERAL.—Section 315(a)(1) of the Water Re-*
 17 *sources Development Act of 2000 (114 Stat. 2603–2604) is*
 18 *amended to read as follows:*

19 *“(1) is authorized to study, design, construct, op-*
 20 *erate, and maintain, at Federal expense, a Type A*
 21 *Regional Visitor Center in the vicinity of Morgan*
 22 *City, Louisiana, in consultation with the State of*
 23 *Louisiana, to provide information to the public on*
 24 *the Atchafalaya River system and other associated*
 25 *waterways that have influenced surrounding commu-*

1 *nities, and national and local water resources devel-*
 2 *opment of the Army Corps of Engineers in South*
 3 *Central Louisiana; and”.*

4 *(b) TECHNICAL CORRECTION.—Section 315(b) of such*
 5 *Act is amended by striking “(a)” and inserting “(a)(2)”.*

6 *(c) DONATIONS.—Section 315 of such Act is amended*
 7 *by adding at the end the following:*

8 *“(c) DONATIONS.—In carrying out subsection (a)(1),*
 9 *the Mississippi River Commission is authorized to accept*
 10 *the donation of cash, funds, lands, materials, and services*
 11 *from non-Federal governmental entities and nonprofit cor-*
 12 *porations.”.*

13 **SEC. 3044. PUBLIC ACCESS, ATCHAFALAYA BASIN**
 14 **FLOODWAY SYSTEM, LOUISIANA.**

15 *The public access feature of the Atchafalaya Basin*
 16 *Floodway System, Louisiana, project, authorized by the*
 17 *Water Resources Development Act 1986 (100 Stat. 4142),*
 18 *is modified to authorize the Secretary to acquire from will-*
 19 *ing sellers the fee interest, exclusive of oil, gas, and min-*
 20 *erals, of an additional 20,000 acres of land within the*
 21 *Lower Atchafalaya Basin Floodway for the public access*
 22 *feature of the Atchafalaya Basin Floodway System, to en-*
 23 *hance fish and wildlife resources, at a total cost of*
 24 *\$4,000,000.*

1 **SEC. 3045. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
 2 **RIVER TO SHREVEPORT, LOUISIANA.**

3 *The project for mitigation of fish and wildlife losses,*
 4 *J. Bennett Johnston Waterway, Mississippi River to*
 5 *Shreveport, Louisiana, authorized by section 601(a) of the*
 6 *Water Resources Development Act of 1986 (100 Stat. 4142)*
 7 *and modified by section 4(h) of the Water Resources Devel-*
 8 *opment Act of 1988 (102 Stat. 4016), section 102(p) of the*
 9 *Water Resources Development Act of 1990 (104 Stat. 4613),*
 10 *section 301(b)(7) of the Water Resources Development Act*
 11 *of 1996 (110 Stat. 3710), and section 316 of the Water Re-*
 12 *sources Development Act of 2000 (114 Stat. 2572), is fur-*
 13 *ther modified to authorize the purchase and reforestation of*
 14 *lands which have been cleared or converted to agricultural*
 15 *uses.*

16 **SEC. 3046. MISSISSIPPI DELTA REGION, LOUISIANA.**

17 *The Mississippi Delta Region project, Louisiana, au-*
 18 *thorized as part of the project for hurricane-flood protection*
 19 *on Lake Pontchartrain, Louisiana, by section 204 of the*
 20 *Flood Control Act of 1965 (79 Stat. 1077) and modified*
 21 *by section 365 of the Water Resources Development Act of*
 22 *1996 (110 Stat. 3739), is further modified to direct the Sec-*
 23 *retary to credit toward the non-Federal share of the cost*
 24 *of the project the costs of relocating oyster beds in the Davis*
 25 *Pond project area if the Secretary determines that the work*
 26 *is integral to the Mississippi Delta Region project.*

1 **SEC. 3047. NEW ORLEANS TO VENICE, LOUISIANA.**

2 *The New Orleans to Venice, Louisiana, project for hur-*
 3 *ricane protection, authorized by section 203 of the Flood*
 4 *Control Act of 1962 (76 Stat. 1184), is modified to author-*
 5 *ize the Secretary to carry out the work on the St. Jude to*
 6 *City Price, Upper Reach A back levee. The Federal share*
 7 *of the cost of such work shall be 70 percent.*

8 **SEC. 3048. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF**
 9 **HARVEY CANAL), LOUISIANA.**

10 *Section 328 of the Water Resources Development Act*
 11 *of 1999 (113 Stat. 304–305) is amended—*

12 *(1) in subsection (a)—*

13 *(A) by striking “operation and mainte-*
 14 *nance” and inserting “operation, maintenance,*
 15 *rehabilitation, repair, and replacement”; and*

16 *(B) by striking “Algiers Channel” and in-*
 17 *serting “Algiers Canal Levees”; and*

18 *(2) by adding at the end the following:*

19 “(c) *COST SHARING.—The non-Federal share of the*
 20 *cost of the project shall be 35 percent.”.*

21 **SEC. 3049. CAMP ELLIS, SACO, MAINE.**

22 *The maximum amount of Federal funds that may be*
 23 *expended for the project being carried out under section 111*
 24 *of the River and Harbor Act of 1968 (33 U.S.C. 426i) for*
 25 *the mitigation of shore damages attributable to the project*

1 *for navigation, Camp Ellis, Saco, Maine, shall be*
2 *\$10,000,000.*

3 **SEC. 3050. UNION RIVER, MAINE.**

4 *The project for navigation, Union River, Maine, au-*
5 *thorized by the first section of the Act entitled “An Act mak-*
6 *ing appropriations for the construction, repair, and preser-*
7 *vation of certain public works on rivers and harbors, and*
8 *for other purposes”, approved June 3, 1896 (29 Stat. 215),*
9 *is modified by redesignating as an anchorage area that por-*
10 *tion of the project consisting of a 6-foot turning basin and*
11 *lying northerly of a line commencing at a point*
12 *N315,975.13, E1,004,424.86 thence running north 61 de-*
13 *grees 27 minutes 20.71 seconds west about 132.34 feet to*
14 *a point N316,038.37, E1,004,308.61.*

15 **SEC. 3051. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

16 *(a) IN GENERAL.—The project for flood damage reduc-*
17 *tion, Cass River, Spaulding Township, Saginaw County,*
18 *Michigan, being carried out under section 205 of the Flood*
19 *Control Act of 1948 (33 U.S.C. 701s), is modified to incor-*
20 *porate flood control works constructed by the non-Federal*
21 *interests between Sheridan Road and East Street (M–13)*
22 *if the Secretary determines that the inclusion of such flood*
23 *control works is feasible.*

24 *(b) CREDIT.—The Secretary shall credit toward the*
25 *non-Federal share of the cost of the project the cost of work*

1 *carried out by the non-Federal interest before the date of*
 2 *the partnership agreement for the project if the Secretary*
 3 *determines that the work is integral to the project.*

4 **SEC. 3052. DETROIT RIVER SHORELINE, DETROIT, MICHIGAN.**
 5

6 (a) *IN GENERAL.*—*The project for emergency*
 7 *streambank and shoreline protection, Detroit River Shore-*
 8 *line, Detroit, Michigan, being carried out under section 14*
 9 *of the Flood Control Act of 1946 (33 U.S.C. 701r), is modi-*
 10 *fied to include measures to enhance public access.*

11 (b) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*
 12 *imum amount of Federal funds that may be expended for*
 13 *the project shall be \$3,000,000.*

14 **SEC. 3053. WATER RESOURCES INSTITUTE, MUSKEGON,**
 15 **MICHIGAN.**

16 (a) *IN GENERAL.*—*The project for emergency*
 17 *streambank and shoreline protection, Water Resources In-*
 18 *stitute, Muskegon, Michigan, being carried out under sec-*
 19 *tion 14 of the Flood Control Act of 1946 (33 U.S.C. 701r),*
 20 *is modified to provide for completion of shoreline protection*
 21 *measures in accordance with the approved plans and speci-*
 22 *fications for Grand Valley State University, Lake Michigan*
 23 *Center, dated August 6, 2001.*

1 (b) *MAXIMUM FEDERAL EXPENDITURE.*—*The maximum amount of Federal funds that may be expended for*
 2 *the project shall be \$2,000,000.*

4 (c) *CREDIT.*—*The Secretary shall credit toward the*
 5 *non-Federal share of the cost of the project the cost of design*
 6 *and implementation of shoreline protection measures carried*
 7 *out by the non-Federal interest before the date of the*
 8 *partnership agreement for the project if the Secretary determines*
 9 *that the work is integral to the project.*

10 **SEC. 3054. SAGINAW RIVER, BAY CITY, MICHIGAN.**

11 *The maximum amount of Federal funds that may be*
 12 *expended for the project for emergency streambank protection,*
 13 *Saginaw River, Bay City, Michigan, being carried out*
 14 *under section 14 of the Flood Control Act of 1946 (33 U.S.C.*
 15 *701r), shall be \$2,000,000.*

16 **SEC. 3055. ADA, MINNESOTA.**

17 (a) *IN GENERAL.*—*The project for flood damage reduction,*
 18 *Wild Rice River, Ada, Minnesota, being carried out*
 19 *under section 205 of the Flood Control Act of 1948 (33*
 20 *U.S.C. 701s), is modified to authorize the Secretary to consider*
 21 *national ecosystem restoration benefits in determining*
 22 *the Federal interest in the project.*

23 (b) *EVALUATION OF BENEFITS AND COSTS.*—*In evaluating*
 24 *the economic benefits and costs for the project, the*
 25 *Secretary shall not consider the emergency levee adjacent*

1 *to Judicial Ditch No. 51 in the determination of conditions*
 2 *existing prior to construction of the project.*

3 (c) *SPECIAL RULE.*—*In evaluating and implementing*
 4 *the project, the Secretary shall allow the non-Federal inter-*
 5 *est to participate in the financing of the project in accord-*
 6 *ance with section 903(c) of the Water Resources Develop-*
 7 *ment Act of 1986 (100 Stat. 4184) to the extent that the*
 8 *Secretary's evaluation indicates that applying such section*
 9 *is necessary to implement the project.*

10 **SEC. 3056. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

11 (a) *IN GENERAL.*—*The project for navigation, Duluth*
 12 *Harbor, McQuade Road, Minnesota, being carried out*
 13 *under section 107 of the River and Harbor Act of 1960 (33*
 14 *U.S.C. 577) and modified by section 321 of the Water Re-*
 15 *sources Development Act of 2000 (114 Stat. 2605), is fur-*
 16 *ther modified to authorize the Secretary to provide public*
 17 *access and recreational facilities as generally described in*
 18 *the Detailed Project Report and Environmental Assessment,*
 19 *McQuade Road Harbor of Refuge, Duluth, Minnesota, dated*
 20 *August 1999.*

21 (b) *CREDIT.*—*The Secretary shall provide credit to-*
 22 *ward the non-Federal share of the cost of the project for*
 23 *the costs of design work carried out before the date of the*
 24 *partnership agreement for the project if the Secretary deter-*
 25 *mines that the work is integral to the project.*

1 (c) *MAXIMUM FEDERAL EXPENDITURE.*—*The max-*
 2 *imum amount of Federal funds that may be expended for*
 3 *the project shall be \$5,000,000.*

4 **SEC. 3057. GRAND PORTAGE HARBOR, MINNESOTA.**

5 *The Secretary shall provide credit toward the non-Fed-*
 6 *eral share of the cost of the navigation project for Grand*
 7 *Portage Harbor, Minnesota, carried out under section 107*
 8 *of the River and Harbor Act of 1960 (33 U.S.C. 577) and*
 9 *modified by section 312 of the Water Resources Development*
 10 *Act of 2000 (114 Stat. 2605), for the costs of design work*
 11 *carried out before the date of the partnership agreement for*
 12 *the project if the Secretary determines that the work is inte-*
 13 *gral to the project.*

14 **SEC. 3058. GRANITE FALLS, MINNESOTA.**

15 (a) *IN GENERAL.*—*The Secretary is directed to imple-*
 16 *ment under section 205 of the Flood Control Act of 1948*
 17 *(33 U.S.C. 701s) the locally preferred plan for flood damage*
 18 *reduction, Granite Falls, Minnesota, substantially in ac-*
 19 *cordance with the detailed project report dated 2002, at a*
 20 *total cost of \$12,000,000, with an estimated Federal cost*
 21 *of \$8,000,000 and an estimated non-Federal cost of*
 22 *\$4,000,000.*

23 (b) *PROJECT FINANCING.*—*In evaluating and imple-*
 24 *menting the project under this section, the Secretary shall*
 25 *allow the non-Federal interests to participate in the financ-*

1 *ing of the project in accordance with section 903(c) of the*
 2 *Water Resources Development Act of 1986 (100 Stat. 4184),*
 3 *to the extent that the detailed project report evaluation indi-*
 4 *cates that applying such section is necessary to implement*
 5 *the project.*

6 (c) *CREDIT.—The Secretary shall credit toward the*
 7 *non-Federal share of the project the cost of design and con-*
 8 *struction work carried out by the non-Federal interest be-*
 9 *fore date of execution of a partnership agreement for the*
 10 *project if the Secretary determines that the work is integral*
 11 *to the project.*

12 (d) *MAXIMUM FUNDING.—The maximum amount of*
 13 *Federal funds that may be expended for the flood damage*
 14 *reduction shall be \$8,000,000.*

15 **SEC. 3059. MINNEAPOLIS, MINNESOTA.**

16 *Section 527 of the Water Resources Development Act*
 17 *of 2000 (114 Stat. 2657) is amended—*

18 (1) *in subsection (a) by inserting after “June 30,*
 19 *1999” the following “, and including Hennepin Is-*
 20 *land and adjacent areas on the east side of the Mis-*
 21 *sissippi River”; and*

22 (2) *in subsection (c) by striking “\$10,000,000”*
 23 *and inserting “\$25,000,000”.*

1 **SEC. 3060. RED LAKE RIVER, MINNESOTA.**

2 *The project for flood control, Red Lake River at*
3 *Crookston, Minnesota, authorized by section 101(a)(23) of*
4 *the Water Resources Development Act of 1999 (113 Stat.*
5 *278), is modified to include flood protection for the adjacent*
6 *and interconnected areas generally known as the Sampson*
7 *and Chase/Loring neighborhoods, in accordance with the*
8 *Feasibility Report Supplement, Local Flood Protection,*
9 *Crookston, Minnesota, at a total cost of \$25,000,000, with*
10 *an estimated Federal cost of \$16,250,000 and an estimated*
11 *non-Federal cost of \$8,750,000.*

12 **SEC. 3061. SILVER BAY, MINNESOTA.**

13 *The project for navigation, Silver Bay, Minnesota, au-*
14 *thorized by section 2 of the Rivers and Harbors Act of*
15 *March 2, 1945 (59 Stat. 19), is modified to include oper-*
16 *ation and maintenance of the general navigation facilities*
17 *as a Federal responsibility.*

18 **SEC. 3062. TACONITE HARBOR, MINNESOTA.**

19 *The project for navigation, Taconite Harbor, Min-*
20 *nesota, carried out under section 107 of the River and Har-*
21 *bor Act of 1960 (33 U.S.C. 577), is modified to include op-*
22 *eration and maintenance of the general navigation facilities*
23 *as a Federal responsibility.*

24 **SEC. 3063. TWO HARBORS, MINNESOTA.**

25 *(a) IN GENERAL.—The project for navigation, Two*
26 *Harbors, Minnesota, being carried out under section 107*

1 *of the River and Harbor Act of 1960 (33 U.S.C. 577), is*
 2 *modified to include construction of a dredged material dis-*
 3 *posal facility, including actions required to clear the site.*

4 (b) *LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—Non-*
 5 *Federal interests shall be responsible for providing all lands,*
 6 *easements, rights-of-way, and relocations necessary for the*
 7 *construction of the dredged material disposal facility.*

8 (c) *MAXIMUM FEDERAL EXPENDITURE.—The max-*
 9 *imum amount of Federal funds that may be expended for*
 10 *the project shall be \$5,000,000.*

11 **SEC. 3064. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

12 *The project for ecosystem restoration, Deer Island,*
 13 *Harrison County, Mississippi, being carried out under sec-*
 14 *tion 204 of the Water Resources Development Act of 1992*
 15 *(33 U.S.C. 2326) is modified to authorize the non-Federal*
 16 *interest to provide any portion of the non-Federal share of*
 17 *the cost of the project in the form of services, materials, sup-*
 18 *plies, or other in-kind contributions.*

19 **SEC. 3065. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**
 20 **MISSOURI.**

21 *The maximum amount of Federal funds that may be*
 22 *expended for the project for flood damage reduction, Bois*
 23 *Brule Drainage and Levee District, Missouri, being carried*
 24 *out under section 205 of the Flood Control Act of 1948 (33*
 25 *U.S.C. 701s), shall be \$25,000,000.*

1 **SEC. 3066. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

2 *The project for ecosystem restoration and flood damage*
 3 *reduction, Sand Creek watershed, Wahoo, Nebraska, author-*
 4 *ized by section 101(b)(20) of the Water Resources Develop-*
 5 *ment Act of 2000 (114 Stat. 2578), is modified—*

6 *(1) to direct the Secretary to provide credit to-*
 7 *ward the non-Federal share of the cost of the project*
 8 *or reimbursement for the costs of any work that has*
 9 *been or will be performed by the non-Federal interest*
 10 *before, on, or after the approval of the project partner-*
 11 *ship agreement, including work performed by the non-*
 12 *Federal interest in connection with the design and*
 13 *construction of 7 upstream detention storage struc-*
 14 *tures, if the Secretary determines that the work is in-*
 15 *tegral to the project;*

16 *(2) to require that in-kind work to be credited*
 17 *under paragraph (1) be subject to audit; and*

18 *(3) to direct the Secretary to accept advance*
 19 *funds from the non-Federal interest as needed to*
 20 *maintain the project schedule.*

21 **SEC. 3067. ALAMOGORDO, NEW MEXICO.**

22 *The Secretary shall review the general reevaluation re-*
 23 *port, dated March 1999, for the project for flood protection,*
 24 *Alamogordo, New Mexico, authorized by section 203 of the*
 25 *Flood Control Act of 1962 (76 Stat. 85), and determine if*
 26 *the locally preferred flood detention basin would provide the*

1 same level of flood protection for the north side of the city
 2 of Alamogordo at a cost that is not greater than the cost
 3 of authorized channel improvements. If the Secretary deter-
 4 mines that the flood detention basin is feasible, would pro-
 5 vide the same level of flood protection, and can be con-
 6 structed at the no additional cost, the Secretary may con-
 7 struct the flood detention basin instead of the channel im-
 8 provements. The Federal share of the cost of the flood deten-
 9 tion basin alternative shall be calculated in the same man-
 10 ner as if the channel improvements project was being con-
 11 structed.

12 **SEC. 3068. ORCHARD BEACH, BRONX, NEW YORK.**

13 The project for shoreline protection, Orchard Beach,
 14 Bronx, New York, authorized by section 554 of the Water
 15 Resources Development Act of 1996 (110 Stat. 3781), is
 16 modified to authorize the Secretary to construct the project,
 17 at a total cost of \$18,000,000.

18 **SEC. 3069. TIMES BEACH, BUFFALO, NEW YORK.**

19 The project for improvement of the quality of the envi-
 20 ronment, Times Beach, Buffalo, New York, being carried
 21 out under section 1135 of the Water Resources Development
 22 Act of 1986 (100 Stat. 4251), is modified to direct the Sec-
 23 retary to credit not more than \$750,000 toward the non-
 24 Federal share of the cost of the project for the cost of plan-
 25 ning, design, and construction work carried out by the non-

1 *Federal interest before the date of the partnership agreement*
 2 *for the project if the Secretary determines the work is inte-*
 3 *gral to the project.*

4 **SEC. 3070. PORT OF NEW YORK AND NEW JERSEY, NEW**
 5 **YORK AND NEW JERSEY.**

6 *The navigation project, Port of New York and New*
 7 *Jersey, New York and New Jersey, authorized by section*
 8 *101(a)(2) of the Water Resources Development Act of 2000*
 9 *(114 Stat. 2576), is modified—*

10 *(1) to authorize the Secretary to allow the non-*
 11 *Federal interest to construct a temporary dredged*
 12 *material storage facility to receive dredged material*
 13 *from the project if—*

14 *(A) the non-Federal interest submits, in*
 15 *writing, a list of potential sites for the tem-*
 16 *porary storage facility to the Committee on*
 17 *Transportation and Infrastructure of the House*
 18 *of Representatives, the Committee on Environ-*
 19 *ment and Public Works of the Senate, and the*
 20 *Secretary at least 180 days before the selection of*
 21 *the final site; and*

22 *(B) at least 70 percent of the dredged mate-*
 23 *rial generated in connection with the project*
 24 *suitable for beneficial reuse will be used at sites*

1 *in the State of New Jersey to the extent that*
 2 *there are sufficient sites available; and*
 3 *(2) to direct the Secretary to credit toward the*
 4 *non-Federal share of the cost of the project the cost of*
 5 *construction of the temporary storage facility if the*
 6 *Secretary determines that the work is integral to the*
 7 *project.*

8 **SEC. 3071. NEW YORK STATE CANAL SYSTEM.**

9 *Section 553(c) of the Water Resources Development Act*
 10 *of 1996 (110 Stat. 3781) is amended to read as follows:*

11 “(c) *NEW YORK STATE CANAL SYSTEM DEFINED.—*
 12 *In this section, the term ‘New York State Canal System’*
 13 *means the 524 miles of navigable canal that comprise the*
 14 *New York State Canal System, including the Erie, Cayuga-*
 15 *Seneca, Oswego, and Champlain Canals and the historic*
 16 *alignments of these canals, including the cities of Albany*
 17 *and Buffalo.’”.*

18 **SEC. 3072. ARCADIA LAKE, OKLAHOMA.**

19 *Payments made by the city of Edmond, Oklahoma, to*
 20 *the Secretary in October 1999 of all costs associated with*
 21 *present and future water storage costs at Arcadia Lake,*
 22 *Oklahoma, under Arcadia Lake Water Storage Contract*
 23 *Number DACW56–79–C–002 shall satisfy the obligations of*
 24 *the city under that contract.*

1 **SEC. 3073. WILLAMETTE RIVER TEMPERATURE CONTROL,**
2 **MCKENZIE SUBBASIN, OREGON.**

3 (a) *IN GENERAL.*—The project for environmental res-
4 toration, Willamette River Temperature Control, McKenzie
5 Subbasin, Oregon, authorized by section 101(a)(25) of the
6 Water Resources Development Act of 1996 (110 Stat. 3665)
7 and modified by section 344 of the Water Resources Devel-
8 opment Act of 1999 (113 Stat. 308), is further modified
9 to direct the Secretary to pay, subject to the availability
10 of appropriations, compensation for losses to small business
11 attributable to the implementation of the drawdown con-
12 ducted as a part of project implementation in 2002.

13 (b) *ESTABLISHMENT OF PROGRAM.*—Not later than
14 120 days after the date of enactment of this Act, the Sec-
15 retary shall establish, and provide public notice of, a pro-
16 gram—

17 (1) to receive claims for compensation for losses
18 to small business attributable to the implementation
19 of the drawdown conducted as a part of project imple-
20 mentation in 2002;

21 (2) to evaluate claims for such losses; and

22 (3) to pay claims for such losses.

23 (c) *IMPLEMENTATION OF PROGRAM.*—In carrying out
24 the program established under subsection (b), the Secretary
25 shall provide—

1 (1) *public notice of the existence of the program*
2 *sufficient to reach those in the area that may have*
3 *suffered losses to small businesses;*

4 (2) *a period for the submission of claims of not*
5 *fewer than 45 days and not greater than 75 days*
6 *from the date of the first public notice of the existence*
7 *of the program;*

8 (3) *for the evaluation of each claim submitted to*
9 *the Secretary under the program and a determination*
10 *of whether the claim constitutes a loss to a small busi-*
11 *ness on or before the last day of the 30-day period be-*
12 *ginning on the date of submission of the claim; and*

13 (4) *for the payment of each claim that the Sec-*
14 *retary determines constitutes a loss to a small busi-*
15 *ness on or before the last day of the 30-day period be-*
16 *ginning on the date of the Secretary's determination.*

17 (d) *LOSS TO A SMALL BUSINESS DEFINED.—In this*
18 *section, the term “loss to a small business” means docu-*
19 *mented financial losses associated with commercial activity*
20 *of a small business that can be attributed to the turbidity*
21 *levels in the McKenzie River being higher than those antici-*
22 *pated in the original planning documents and public an-*
23 *nouncements existing before the initiation of the drawdown*
24 *in 2002. Commercial losses include decline in sales, loss of*
25 *revenue (including loss of revenue from canceled or delayed*

1 *reservations at lodging establishments), and any other fi-*
 2 *nancial losses that can be shown to be associated with the*
 3 *elevated turbidity levels in the McKenzie River in 2002.*

4 *(e) PAYMENT OF CLAIMS.—The payment of claims for*
 5 *losses to small businesses shall be a Federal responsibility.*

6 **SEC. 3074. FRENCH CREEK, UNION CITY DAM, PENNSYL-**
 7 **VANIA.**

8 *The project for flood control French Creek, Union City*
 9 *Dam, Pennsylvania, authorized by section 203 of the Flood*
 10 *Control Act of 1962 (76 Stat. 1189), is modified to include*
 11 *recreation as a project purpose.*

12 **SEC. 3075. LACKAWANNA RIVER AT OLYPHANT, PENNSYL-**
 13 **VANIA.**

14 *The project for flood control, Lackawanna River at*
 15 *Olyphant, Pennsylvania, authorized by section 101(16) of*
 16 *the Water Resources Development Act of 1992 (106 Stat.*
 17 *4803), is modified to authorize the Secretary to construct*
 18 *the project, at a total cost of \$20,000,000.*

19 **SEC. 3076. LACKAWANNA RIVER AT SCRANTON, PENNSYL-**
 20 **VANIA.**

21 *The project for flood control, Lackawanna River at*
 22 *Scranton, Pennsylvania, authorized by section 101(17) of*
 23 *the Water Resources Development Act of 1992 (106 Stat.*
 24 *4803), is modified to authorize the Secretary to construct*
 25 *the project, at a total cost of \$23,000,000.*

1 **SEC. 3077. RAYSTOWN LAKE, PENNSYLVANIA.**

2 *The Secretary may take such action as may be nec-*
 3 *essary, including construction of a breakwater, to prevent*
 4 *shoreline erosion between .07 and 2.7 miles south of Penn-*
 5 *sylvania State Route 994 on the east shore of Raystown*
 6 *Lake, Pennsylvania.*

7 **SEC. 3078. SHERADEN PARK STREAM AND CHARTIERS**
 8 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
 9 **VANIA.**

10 *The project for aquatic ecosystem restoration,*
 11 *Sheraden Park Stream and Chartiers Creek, Allegheny*
 12 *County, Pennsylvania, being carried out under section 206*
 13 *of the Water Resources Development Act of 1996 (33 U.S.C.*
 14 *2330), is modified to direct the Secretary to credit up to*
 15 *\$400,000 toward the non-Federal share of the cost of the*
 16 *project for planning and design work carried out by the*
 17 *non-Federal interest before the date of the partnership*
 18 *agreement for the project if the Secretary determines that*
 19 *the work is integral to the project.*

20 **SEC. 3079. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
 21 **VANIA.**

22 *The project for flood control, Wyoming Valley, Penn-*
 23 *sylvania, authorized by section 401(a) of the Water Re-*
 24 *sources Development Act of 1986 (100 Stat. 4124), is modi-*
 25 *fied to include as a project element the project for flood con-*
 26 *trol for Solomon's Creek, Wilkes-Barre, Pennsylvania.*

1 **SEC. 3080. SOUTH CENTRAL PENNSYLVANIA.**

2 *Section 313(h)(2) of the Water Resources Development*
 3 *Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117 Stat. 142)*
 4 *is amended by striking “Allegheny, Armstrong, Bedford,*
 5 *Blair, Cambria, Clearfield, Fayette, Franklin, Fulton,*
 6 *Greene, Huntingdon, Indiana, Juniata, Mifflin, Somerset,*
 7 *Snyder, Washington, and Westmoreland Counties” and in-*
 8 *serting “Allegheny, Armstrong, Bedford, Blair, Cambria,*
 9 *Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana,*
 10 *Juniata, Somerset, Washington, and Westmoreland Coun-*
 11 *ties”.*

12 **SEC. 3081. WYOMING VALLEY, PENNSYLVANIA.**

13 *In carrying out the project for flood control, Wyoming*
 14 *Valley, Pennsylvania, authorized by section 401(a) of the*
 15 *Water Resources Development Act of 1986 (100 Stat. 4124),*
 16 *the Secretary shall coordinate with non-Federal interests to*
 17 *review opportunities for increased public access.*

18 **SEC. 3082. LITTLE LIMESTONE CREEK, JONESBOROUGH,**
 19 **TENNESSEE.**

20 *In evaluating and implementing the project for flood*
 21 *damage reduction, Little Limestone Creek, Jonesborough,*
 22 *Tennessee, under section 205 of the Flood Control Act of*
 23 *1948 (33 U.S.C. 701s), the Secretary shall allow the non-*
 24 *Federal interest to participate in the financing of the*
 25 *project in accordance with section 903(c) of the Water Re-*
 26 *sources Development Act of 1986 (100 Stat. 4184), to the*

1 *extent that the Secretary's evaluation indicates that apply-*
 2 *ing such section is necessary to implement the project.*

3 **SEC. 3083. CEDAR BAYOU, TEXAS.**

4 *(a) IN GENERAL.—The project for navigation, Cedar*
 5 *Bayou, Texas, reauthorized by section 349(a)(2) of the*
 6 *Water Resources Development Act of 2000 (114 Stat. 2632),*
 7 *is modified—*

8 *(1) to authorize the Secretary to carry out the*
 9 *project to a depth of 10 feet by 100 feet wide from*
 10 *mile 2.5 to mile 11 on Cedar Bayou if the Secretary*
 11 *determines that the project is feasible; and*

12 *(2) to direct the Secretary to credit toward the*
 13 *non-Federal share of the cost of the project the cost of*
 14 *planning and design work carried out by the non-*
 15 *Federal interest for the project if the Secretary deter-*
 16 *mines that such work is integral to the project.*

17 *(b) COST SHARING.—Cost sharing for construction*
 18 *and operation and maintenance of the project shall be deter-*
 19 *mined in accordance with section 101 of the Water Re-*
 20 *sources Development Act of 1986 (33 U.S.C. 2211).*

21 **SEC. 3084. LAKE KEMP, TEXAS.**

22 *(a) IN GENERAL.—The Secretary may not take any*
 23 *legal or administrative action seeking to remove a Lake*
 24 *Kemp improvement before the earlier of January 1, 2020,*

1 *or the date of any transfer of ownership of the improvement*
 2 *occurring after the date of enactment of this Act.*

3 (b) *LIMITATION ON LIABILITY.—The United States, or*
 4 *any of its officers, agents, or assignees, shall not be liable*
 5 *for any injury, loss, or damage accruing to the owners of*
 6 *a Lake Kemp improvement, their lessees, or occupants as*
 7 *a result of any flooding or inundation of such improvements*
 8 *by the waters of the Lake Kemp reservoir, or for such in-*
 9 *jury, loss, or damage as may occur through the operation*
 10 *and maintenance of the Lake Kemp dam and reservoir in*
 11 *any manner.*

12 (c) *LAKE KEMP IMPROVEMENT DEFINED.—In this sec-*
 13 *tion, the term “Lake Kemp improvement” means an im-*
 14 *provement (including dwellings) located within the flowage*
 15 *easement of Lake Kemp, Texas, below elevation 1159 feet*
 16 *mean sea level.*

17 **SEC. 3085. LOWER RIO GRANDE BASIN, TEXAS.**

18 *The project for flood control, Lower Rio Grande Basin,*
 19 *Texas, authorized by section 401(a) of the Water Resources*
 20 *Development Act of 1986 (100 Stat. 4125), is modified—*

21 (1) *to direct the Secretary to credit toward the*
 22 *non-Federal share of the cost of the project the cost of*
 23 *planning, design, and construction work carried out*
 24 *by the non-Federal interest before the date of the part-*

1 *nership agreement for the project if the Secretary de-*
 2 *termines that the work is integral to the project; and*
 3 *(2) to direct the Secretary, in calculating the*
 4 *non-Federal share of the cost of the project, to make*
 5 *a determination under section 103(m) of the Water*
 6 *Resources Development Act of 1986 (33 U.S.C.*
 7 *2213(m)) on the non-Federal interest's ability to pay.*

8 **SEC. 3086. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
 9 **TEXAS.**

10 *The project for ecosystem restoration and storm dam-*
 11 *age reduction, North Padre Island, Corpus Christi Bay,*
 12 *Texas, authorized by section 556 of the Water Resources De-*
 13 *velopment Act of 1999 (113 Stat. 353), is modified to in-*
 14 *clude recreation as a project purpose.*

15 **SEC. 3087. PROCTOR LAKE, TEXAS.**

16 *The Secretary is authorized to convert flowage ease-*
 17 *ments to fee simple title in the subdivisions of Buffalo*
 18 *Springs and Frees Lakeview, and adjacent areas, located*
 19 *within the boundaries necessary for the operation of the*
 20 *Proctor Lake project, Texas, authorized by section 203 of*
 21 *the Flood Control Act of 1954 (68 Stat. 1259), and to pur-*
 22 *chase all improved and unimproved properties within such*
 23 *boundaries and to pay relocation assistance benefits to*
 24 *qualified landowners as applicable under the provisions of*

1 *the Uniform Relocation Assistance and Real Property Ac-*
 2 *quisition Act of 1970 (42 U.S.C. 4601 et seq.).*

3 **SEC. 3088. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

4 *The project for flood control, San Antonio Channel,*
 5 *Texas, authorized by section 203 of the Flood Control Act*
 6 *of 1954 (68 Stat. 1259) as part of the comprehensive plan*
 7 *for flood protection on the Guadalupe and San Antonio*
 8 *Rivers in Texas and modified by section 103 of the Water*
 9 *Resources Development Act of 1976 (90 Stat. 2921) and sec-*
 10 *tion 335 of the Water Resources Development Act of 2000*
 11 *(114 Stat. 2611), is further modified to authorize the Sec-*
 12 *retary to credit toward the non-Federal share of the cost*
 13 *of the project the cost of construction work carried out by*
 14 *the non-Federal interest before the date of the partnership*
 15 *agreement for the project if the Secretary determines that*
 16 *the work is integral to the project.*

17 **SEC. 3089. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

18 *Section 358 of the Water Resources Development Act*
 19 *of 1999 (113 Stat. 312) is amended by striking “September*
 20 *30, 1999” and inserting “May 4, 1997”.*

21 **SEC. 3090. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

22 *The project for flood control, Roanoke River Upper*
 23 *Basin, Virginia, authorized by section 401(a) of the Water*
 24 *Resources Development Act of 1986 (100 Stat. 4126) and*
 25 *modified by section 110 of the Energy and Water Develop-*

1 *ment Appropriations Act, 1990 (103 Stat. 650), is further*
 2 *modified to authorize the Secretary to construct the project,*
 3 *at a total cost of \$64,300,000, with an estimated Federal*
 4 *cost of \$42,100,000 and an estimated non-Federal cost of*
 5 *\$22,200,000. In carrying out the project, the Secretary shall*
 6 *award contracts based on invitation-for-bids procedures.*

7 **SEC. 3091. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**
 8 **BOR, WASHINGTON.**

9 (a) *IN GENERAL.*—*The project for navigation, Blair*
 10 *and Sitcum Waterways, Tacoma Harbor, Washington, au-*
 11 *thorized by section 202(a) of the Water Resources Develop-*
 12 *ment Act of 1986 (100 Stat. 4096) and deepened to 51 feet*
 13 *under section 107 of the River and Harbor Act of 1960 (33*
 14 *U.S.C. 577), is modified to direct the Secretary to review*
 15 *the locally prepared plan for the Blair and Sitcum Water-*
 16 *ways, Washington, and, if the Secretary determines that the*
 17 *plan meets the evaluation and design standards of the Corps*
 18 *of Engineers and that the plan is feasible, to authorize the*
 19 *Secretary to carry out the plan, at a Federal cost of*
 20 *\$4,240,000.*

21 (b) *NON-FEDERAL WORK.*—*The Secretary shall pro-*
 22 *vide credit toward the non-Federal share of the cost of the*
 23 *project, or reimbursement for, the cost of work carried out*
 24 *by the non-Federal interest before the date of the partner-*

1 *ship agreement for the project if the Secretary determines*
 2 *that the work is integral to the project.*

3 **SEC. 3092. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

4 *Section 579(c) of the Water Resources Development Act*
 5 *of 1996 (110 Stat. 3790; 113 Stat. 312) is amended by*
 6 *striking “\$47,000,000” and inserting “\$89,000,000”.*

7 **SEC. 3093. MANITOWOC HARBOR, WISCONSIN.**

8 *The project for navigation, Manitowoc Harbor, Wis-*
 9 *consin, authorized by the River and Harbor Act of August*
 10 *30, 1852, is modified to direct the Secretary to deepen the*
 11 *upstream reach of the navigation channel from 12 feet to*
 12 *18 feet, at a total cost of \$300,000.*

13 **SEC. 3094. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

14 *Section 21 of the Water Resources Development Act of*
 15 *1988 (102 Stat. 4027) is amended—*

16 *(1) in subsection (a)—*

17 *(A) by striking “1276.42” and inserting*
 18 *“1278.42”;*

19 *(B) by striking “1218.31” and inserting*
 20 *“1221.31”; and*

21 *(C) by striking “1234.82” and inserting*
 22 *“1235.30”; and*

23 *(2) by striking subsection (b) and inserting the*
 24 *following:*

1 “(b) *EXCEPTION.*—*The Secretary may operate the*
2 *headwaters reservoirs below the minimum or above the max-*
3 *imum water levels established in subsection (a) in accord-*
4 *ance with water control regulation manuals (or revisions*
5 *thereto) developed by the Secretary, after consultation with*
6 *the Governor of Minnesota and affected tribal governments,*
7 *landowners, and commercial and recreational users. The*
8 *water control regulation manuals (and any revisions there-*
9 *to) shall be effective when the Secretary transmits them to*
10 *Congress. The Secretary shall report to Congress at least*
11 *14 days before operating any such headwaters reservoir*
12 *below the minimum or above the maximum water level lim-*
13 *its specified in subsection (a); except that notification is*
14 *not required for operations necessary to prevent the loss of*
15 *life or to ensure the safety of the dam or where the draw-*
16 *down of lake levels is in anticipation of flood control oper-*
17 *ations.”.*

18 **SEC. 3095. CONTINUATION OF PROJECT AUTHORIZATIONS.**

19 “(a) *IN GENERAL.*—*Notwithstanding section 1001(b)(2)*
20 *of the Water Resources Development Act of 1986 (33 U.S.C.*
21 *579a(b)(2)), the following projects shall remain authorized*
22 *to be carried out by the Secretary:*

23 (1) *The project for navigation, Fall River Har-*
24 *bor, Massachusetts, authorized by section 101 of the*
25 *River and Harbor Act of 1968 (82 Stat. 731).*

1 (2) *The project for flood control, Agana River,*
 2 *Guam, authorized by section 401(a) of the Water Re-*
 3 *sources Development Act of 1986 (100 Stat. 4127).*

4 (b) *LIMITATION.—A project described in subsection (a)*
 5 *shall not be authorized for construction after the last day*
 6 *of the 5-year period beginning on the date of enactment of*
 7 *this Act, unless, during such period, funds have been obli-*
 8 *gated for the construction (including planning and design)*
 9 *of the project.*

10 **SEC. 3096. PROJECT REAUTHORIZATIONS.**

11 *Each of the following projects may be carried out by*
 12 *the Secretary and no construction on any such project may*
 13 *be initiated until the Secretary determines that the project*
 14 *is feasible:*

15 (1) *MENOMINEE HARBOR AND RIVER, MICHIGAN*
 16 *AND WISCONSIN.—The project for navigation, Menom-*
 17 *inee Harbor and River, Michigan and Wisconsin, au-*
 18 *thorized by section 101 of the River and Harbor Act*
 19 *of 1960 (74 Stat. 482) and deauthorized on April 15,*
 20 *2002, in accordance with section 1001(b)(2) of the*
 21 *Water Resources Development Act of 1986 (33 U.S.C.*
 22 *579a(b)(2)).*

23 (2) *MANITOWOC HARBOR, WISCONSIN.—That*
 24 *portion of the project for navigation, Manitowoc Har-*
 25 *bor, Wisconsin, consisting of the channel in the south*

1 *part of the outer harbor, deauthorized by section 101*
 2 *of the River and Harbor Act of 1962 (76 Stat. 1176).*

3 **SEC. 3097. PROJECT DEAUTHORIZATIONS.**

4 *(a) IN GENERAL.—The following projects are not au-*
 5 *thorized after the date of enactment of this Act:*

6 *(1) BRIDGEPORT HARBOR, CONNECTICUT.—The*
 7 *portion of the project for navigation, Bridgeport Har-*
 8 *bor, Connecticut, authorized by the River and Harbor*
 9 *Act of July 3, 1930 (46 Stat. 919), consisting of an*
 10 *18-foot channel in Yellow Mill River and described as*
 11 *follows: Beginning at a point along the eastern limit*
 12 *of the existing project, N123,649.75, E481,920.54,*
 13 *thence running northwesterly about 52.64 feet to a*
 14 *point N123,683.03, E481,879.75, thence running*
 15 *northeasterly about 1,442.21 feet to a point*
 16 *N125,030.08, E482,394.96, thence running northeast-*
 17 *erly about 139.52 feet to a point along the east limit*
 18 *of the existing channel, N125,133.87, E482,488.19,*
 19 *thence running southwesterly about 1,588.98 feet to*
 20 *the point of origin.*

21 *(2) NORWALK HARBOR, CONNECTICUT.—The fol-*
 22 *lowing portions a 10-foot channel of the project for*
 23 *navigation, Norwalk Harbor, Connecticut, authorized*
 24 *by the first section of the Rivers and Harbors Appro-*
 25 *propriations Act of March 2, 1919 (40 Stat. 1276):*

1 (A) An approximate rectangular shaped sec-
2 tion along the northwesterly terminus of the
3 channel. The section is 35-feet wide and about
4 460-feet long and is further described as follows:
5 Commencing at a point N104,165.85,
6 E417,662.71, thence running south 24 degrees 06
7 minutes 55 seconds east 395.00 feet to a point
8 N103,805.32, E417,824.10, thence running south
9 00 degrees 38 minutes 06 seconds east 87.84 feet
10 to a point N103,717.49, E417,825.07, thence
11 running north 24 degrees 06 minutes 55 seconds
12 west 480.00 feet, to a point N104,155.59,
13 E417.628.96, thence running north 73 degrees 05
14 minutes 25 seconds east 35.28 feet to the point
15 of origin.

16 (B) An area having the approximate shape
17 of a parallelogram along the northeasterly por-
18 tion of the channel, southeast of the area de-
19 scribed in subparagraph (A). This area is 20-feet
20 wide and about 260-feet long and is further de-
21 scribed as follows: Commencing at a point
22 N103,855.48, E417,849.99, thence running south
23 33 degrees 07 minutes 30 seconds east 133.40 feet
24 to a point N103,743.76, E417,922.89, thence
25 running south 24 degrees 07 minutes 04 seconds

1 *east 127.75 feet to a point N103,627.16,*
 2 *E417,975.09, thence running north 33 degrees 07*
 3 *minutes 30 seconds west 190.00 feet to a point*
 4 *N103,786.28, E417,871.26, thence running north*
 5 *17 degrees 05 minutes 15 seconds west 72.39 feet*
 6 *to the point of origin.*

7 (3) *CHICAGO RIVER AND HARBOR, CHICAGO, IL-*
 8 *LINOIS.—Those portions of the projects for navigation,*
 9 *Chicago River and Chicago Harbor, Chicago, Illinois,*
 10 *authorized by the River and Harbor Act of March 3,*
 11 *1899 (30 Stat. 1129), extending 50 feet riverward of*
 12 *the existing dock wall on the south side of the channel*
 13 *from Lake Street to Franklin Street and 25 feet*
 14 *riverward of the existing dock wall on the south side*
 15 *of the channel from Franklin Street to Wabash Ave-*
 16 *nue, and those areas within 20 feet of the bridge abut-*
 17 *ments on the south side of the channel for the length*
 18 *of the protection bridge piers from the Franklin Street*
 19 *Bridge to the Michigan Avenue Bridge.*

20 (4) *ISLAND END RIVER, MASSACHUSETTS.—The*
 21 *portion of the project for navigation, Island End*
 22 *River, Massachusetts, carried out under section 107 of*
 23 *the River and Harbor Act of 1960 (33 U.S.C. 577),*
 24 *described as follows: Beginning at a point along the*
 25 *eastern limit of the existing project, N507,348.98,*

1 *E721,180.01, thence running northeast about 35 feet*
 2 *to a point N507,384.17, E721,183.36, thence running*
 3 *northeast about 324 feet to a point N507,590.51,*
 4 *E721,433.17, thence running northeast about 345 feet*
 5 *to a point along the northern limit of the existing*
 6 *project, N507,927.29, E721,510.29, thence running*
 7 *southeast about 25 feet to a point N507,921.71,*
 8 *E721,534.66, thence running southwest about 354 feet*
 9 *to a point N507,576.65, E721,455.64, thence running*
 10 *southwest about 357 feet to the point of origin.*

11 (5) *CITY WATERWAY, TACOMA, WASHINGTON.—*
 12 *The portion of the project for navigation, City Water-*
 13 *way, Tacoma, Washington, authorized by the first sec-*
 14 *tion of the River and Harbor Appropriations Act of*
 15 *June 13, 1902 (32 Stat. 347), consisting of the last*
 16 *1,000 linear feet of the inner portion of the waterway*
 17 *beginning at Station 70+00 and ending at Station*
 18 *80+00.*

19 (b) *ANCHORAGE AREA, NEW LONDON HARBOR, CON-*
 20 *NECTICUT.—The portion of the project for navigation, New*
 21 *London Harbor, Connecticut, authorized by the River and*
 22 *Harbor Appropriations Act of June 13, 1902 (32 Stat.*
 23 *333), that consists of a 23-foot waterfront channel and that*
 24 *is further described as beginning at a point along the west-*
 25 *ern limit of the existing project, N188, 802.75, E779,*

1 462.81, thence running northeasterly about 1,373.88 feet to
 2 a point N189, 554.87, E780, 612.53, thence running south-
 3 easterly about 439.54 feet to a point N189, 319.88, E780,
 4 983.98, thence running southwesterly about 831.58 feet to
 5 a point N188, 864.63, E780, 288.08, thence running south-
 6 easterly about 567.39 feet to a point N188, 301.88, E780,
 7 360.49, thence running northwesterly about 1,027.96 feet to
 8 the point of origin, shall be redesignated as an anchorage
 9 area.

10 (c) NORWALK HARBOR, CONNECTICUT.—The 10-foot
 11 channel portion of the Norwalk Harbor, Connecticut, navi-
 12 gation project described in subsection (a)(2) is modified to
 13 authorize the Secretary to realign the channel to include
 14 a new section immediately north of the area described in
 15 subsection (a)(2)(B). The new triangular shaped section is
 16 described as follows: Commencing at a point N103,968.35,
 17 E417,815.29, thence running south 17 degrees 05 minutes
 18 15 seconds east 118.09 feet to a point N103,855.48,
 19 E417,849.99, thence running north 33 degrees 07 minutes
 20 30 seconds west 36.76 feet to a point N103,886.27,
 21 E417.829.90, thence running north 10 degrees 05 minutes
 22 26 seconds west 83.37 feet to the point of origin.

23 (d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-
 24 NOIS.—The projects for navigation, Chicago River and Chi-
 25 cago Harbor referred to in subsection (a)(3) are modified

1 *to direct the Secretary to redefine the Federal navigation*
2 *channel for the North Branch Canal portion extending from*
3 *100 feet downstream of the Halsted Street Bridge to 100*
4 *feet upstream of the Division Street Bridge to be no wider*
5 *than 66 feet.*

6 (e) *ADDITIONAL DEAUTHORIZATIONS.—The following*
7 *projects are not authorized after the date of enactment of*
8 *this Act, except with respect to any portion of such a project*
9 *which portion has been completed before such date or is*
10 *under construction on such date:*

11 (1) *The project for flood damage reduction,*
12 *Cache Creek Basin, Clear Lake Outlet Channel, Cali-*
13 *fornia, authorized by the Water Resources Develop-*
14 *ment Act of 1986 (Public Law 99–662).*

15 (2) *The project for flood control, Goleta and Vi-*
16 *cinity, California, authorized by the Flood Control*
17 *Act of 1970.*

18 (3) *The project to modify the Central and South-*
19 *ern Florida project to improve water supply to the*
20 *Everglades National Park, Florida, authorized by the*
21 *Flood Control Act of 1954 (Public Law 83–780) and*
22 *the Flood Control Act of 1968 (Public Law 90–483).*

23 (4) *The project for flood control, Central and*
24 *Southern Florida Project, Shingle Creek Basin, Flor-*
25 *ida, authorized by the Flood Control Act of 1962.*

1 (5) *The project for flood control, Middle Wabash,*
2 *Greenfield Bayou, Indiana, authorized by section 10*
3 *of the Flood Control Act of 1946.*

4 (6) *The project for flood damage reduction, Lake*
5 *George, Hobart, Indiana, authorized by section 602 of*
6 *the Water Resources Development Act of 1986 (Public*
7 *Law 99–662).*

8 (7) *The project for flood damage reduction,*
9 *Green Bay Levee and Drainage District No. 2, Iowa,*
10 *authorized by the Water Resources Development Act*
11 *of 1986, deauthorized in fiscal year 1991, and reau-*
12 *thorized by the Water Resources Development Act of*
13 *1992 (Public Law 102–580).*

14 (8) *The project for flood damage reduction, Haz-*
15 *ard, Kentucky, authorized by section 3 of the Water*
16 *Resources Development Act of 1988 (Public Law 100–*
17 *676) and section 108 of the Water Resources Develop-*
18 *ment Act of 1990 (Public Law 101–640).*

19 (9) *The recreation portion of the project for flood*
20 *control, Taylorsville Lake, Kentucky, authorized by*
21 *section 203 of the Flood Control Act of 1966.*

22 (10) *The project for flood control, West Kentucky*
23 *Tributaries, Kentucky, authorized by the Flood Con-*
24 *trol Acts of 1965 and 1970 and the Water Resources*
25 *Development Act of 1986.*

1 (11) *The project for flood damage reduction,*
2 *Bayou Cocodrie and Tributaries, Louisiana, author-*
3 *ized by the Flood Control Act of 1941 and the Water*
4 *Resources Development Act of 1974.*

5 (12) *The project for flood control, Eastern*
6 *Rapides and South-Central Avoyelles Parishes, Lou-*
7 *isiana, authorized by the Flood Control Act of 1970*
8 *(Public Law–611).*

9 (13) *The project for Red River Waterway,*
10 *Shreveport, Louisiana to Daingerfield, Texas, author-*
11 *ized by the River and Harbor Act of 1968 (Public*
12 *Law 90–483).*

13 (14) *The project for flood damage reduction*
14 *Brockton, Massachusetts, authorized by section 401(c)*
15 *of the Water Resources Development Act of 1986*
16 *(Public Law 99–662).*

17 (15) *The project for navigation, Grand Haven*
18 *Harbor, Michigan, authorized by section 202 of the*
19 *Water Resources Development Act of 1986 (Public*
20 *Law 99–662).*

21 (16) *The project for navigation, Greenville Har-*
22 *bor, Mississippi, authorized by section 601 of the*
23 *Water Resources Development Act of 1986 (Public*
24 *Law 99–662).*

1 (17) *The project for hydropower, Libby Dam,*
2 *Montana, (Units 6–8), authorized by section 549 of*
3 *the Water Resources Development Act of 1996 (Public*
4 *Law 104–303).*

5 (18) *The project for flood damage reduction,*
6 *Platte River Flood and Related Streambank Erosion*
7 *Control, Nebraska, authorized by section 603 of the*
8 *Water Resources Development Act of 1986 (Public*
9 *Law 99–662).*

10 (19) *The project for navigation, Outer Harbor,*
11 *Buffalo, New York, authorized by section 110 of the*
12 *Water Resources Development Act of 1992.*

13 (20) *The project for flood damage reduction,*
14 *Sugar Creek Basin, North Carolina and South Caro-*
15 *lina, authorized by section 401 of the Water Resources*
16 *Development Act of 1986 (Public Law 99–662).*

17 (21) *The project for flood control and recreation,*
18 *Fairfield, Ohio, authorized by section 401(a) of the*
19 *Water Resources Development Act of 1986 (Public*
20 *Law 99–662).*

21 (22) *The project for shoreline protection, Maumee*
22 *Bay, Lake Erie, Ohio, authorized by section 501(a) of*
23 *the Water Resources Development Act of 1986.*

24 (23) *The project for flood control and water sup-*
25 *ply, Parker Lake, Muddy Boggy Creek, Oklahoma,*

1 *authorized by the Water Resources Development Act*
2 *of 1986 (Public Law 99–662).*

3 *(24) The project for the Columbia River, Sea-*
4 *farers Memorial, Hammond, Oregon, authorized by*
5 *the Energy and Water Development Appropriations*
6 *Act of 1991.*

7 *(25) The project for bulkhead repairs, Quonset*
8 *Point-Davisville, Rhode Island, authorized by section*
9 *571 of the Water Resources Development Act of 1996.*

10 *(26) The project for flood damage reduction,*
11 *Harris Fork Creek, Tennessee and Kentucky, author-*
12 *ized by section 102 of the Water Resources Develop-*
13 *ment Acts of 1976 and 1986.*

14 *(27) The project for flood damage reduction, Ar-*
15 *royo Colorado, Texas, authorized by the Water Re-*
16 *sources Development Act of 1986 (Public Law 99–*
17 *662).*

18 *(28) The project for flood damage reduction, Cy-*
19 *press Creek-Structural, Texas, authorized by the*
20 *Water Resources Development Act of 1988.*

21 *(29) The project for flood damage reduction,*
22 *East Fork Channel Improvement, Increment 2, East*
23 *Fork of the Trinity River, Texas, authorized by the*
24 *Flood Control Act of 1962.*

1 (30) *The project for flood damage reduction,*
 2 *Falfurrias, Texas, authorized by the Water Resources*
 3 *Development Act of 1988.*

4 (31) *The project for bank erosion, Kanawha*
 5 *River, Charleston, West Virginia, authorized by sec-*
 6 *tion 603(f)(13) of the Water Resources Development*
 7 *Act of 1986 (Public Law 99–662).*

8 (f) *CONDITIONS.—The first sentence of section*
 9 *1001(b)(2) of the Water Resources Development Act of 1986*
 10 *(33 U.S.C. 579a(b)(2)) is amended—*

11 (1) *by striking “two years” and inserting*
 12 *“year”; and*

13 (2) *by striking “7” and inserting “5”.*

14 **SEC. 3098. LAND CONVEYANCES.**

15 (a) *MILFORD, KANSAS.—*

16 (1) *IN GENERAL.—Subject to the provisions of*
 17 *this section, the Secretary shall convey by quitclaim*
 18 *deed without consideration to the Geary County Fire*
 19 *Department, Milford, Kansas, all right, title, and in-*
 20 *terest of the United States in and to a parcel of land*
 21 *consisting of approximately 7.4 acres located in*
 22 *Geary County, Kansas, for construction, operation,*
 23 *and maintenance of a fire station.*

24 (2) *SURVEY TO OBTAIN LEGAL DESCRIPTION.—*
 25 *The exact acreage and the description of the real*

1 *property referred to in paragraph (1) shall be deter-*
 2 *mined by a survey that is satisfactory to the Sec-*
 3 *retary.*

4 (3) *REVERSION.—If the Secretary determines*
 5 *that the property conveyed under paragraph (1)*
 6 *ceases to be held in public ownership or to be used for*
 7 *any purpose other than a fire station, all right, title,*
 8 *and interest in and to the property shall revert to the*
 9 *United States, at the option of the United States.*

10 (b) *BOARDMAN, OREGON.—Section 501(g)(1) of the*
 11 *Water Resources Development Act of 1996 (110 Stat. 3751)*
 12 *is amended—*

13 (1) *by striking “city of Boardman,” and insert-*
 14 *ing “the Boardman Park and Recreation District,*
 15 *Boardman,”; and*

16 (2) *by striking “such city” and inserting “the*
 17 *city of Boardman”.*

18 (c) *GENERALLY APPLICABLE PROVISIONS.—*

19 (1) *APPLICABILITY OF PROPERTY SCREENING*
 20 *PROVISIONS.—Section 2696 of title 10, United States*
 21 *Code, shall not apply to any conveyance under this*
 22 *section.*

23 (2) *ADDITIONAL TERMS AND CONDITIONS.—The*
 24 *Secretary may require that any conveyance under*
 25 *this section be subject to such additional terms and*

1 *conditions as the Secretary considers appropriate and*
 2 *necessary to protect the interests of the United States.*

3 (3) *COSTS OF CONVEYANCE.*—*An entity to which*
 4 *a conveyance is made under this section shall be re-*
 5 *sponsible for all reasonable and necessary costs, in-*
 6 *cluding real estate transaction and environmental*
 7 *compliance costs, associated with the conveyance.*

8 (4) *LIABILITY.*—*An entity to which a conveyance*
 9 *is made under this section shall hold the United*
 10 *States harmless from any liability with respect to ac-*
 11 *tivities carried out, on or after the date of the convey-*
 12 *ance, on the real property conveyed. The United*
 13 *States shall remain responsible for any liability with*
 14 *respect to activities carried out, before such date, on*
 15 *the real property conveyed.*

16 **SEC. 3099. EXTINGUISHMENT OF REVERSIONARY INTER-**
 17 **ESTS AND USE RESTRICTIONS.**

18 (a) *IDAHO.*—

19 (1) *IN GENERAL.*—*With respect to each deed list-*
 20 *ed in paragraph (2), the reversionary interests and*
 21 *use restrictions relating to industrial use purposes are*
 22 *extinguished.*

23 (2) *AFFECTED DEEDS.*—*The deeds with the fol-*
 24 *lowing county auditor's file numbers are referred to*
 25 *in paragraph (1):*

1 (A) Auditor's Instrument No. 399218 of Nez
2 Perce County, Idaho—2.07 acres.

3 (B) Auditor's Instrument No. 487437 of Nez
4 Perce County, Idaho—7.32 acres.

5 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND
6 RIVER, TENNESSEE.—

7 (1) RELEASE OF RETAINED RIGHTS, INTERESTS,
8 RESERVATIONS.—With respect to land conveyed by
9 the Secretary to the Tennessee Society of Crippled
10 Children and Adults, Incorporated (now known as
11 “Easter Seals Tennessee”), at Old Hickory Lock and
12 Dam, Cumberland River, Tennessee, under section
13 211 of the Flood Control Act of 1965 (79 Stat. 1087),
14 the reversionary interests and the use restrictions re-
15 lating to recreation and camping purposes are extin-
16 guished.

17 (2) INSTRUMENT OF RELEASE.—As soon as pos-
18 sible after the date of enactment of this Act, the Sec-
19 retary shall execute and file in the appropriate office
20 a deed of release, amended deed, or other appropriate
21 instrument effectuating the release of interests re-
22 quired by paragraph (1).

23 (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this
24 section affects the remaining rights and interests of the
25 Corps of Engineers for authorized project purposes.

1 **SEC. 3100. LAND EXCHANGE, DISPOSAL AND ACQUISITION**
2 **OF LANDS, ALLATOONA LAKE, GEORGIA.**

3 (a) *LAND EXCHANGE.*—

4 (1) *IN GENERAL.*—*The Secretary may exchange*
5 *lands above 863 feet in elevation at Allatoona Lake,*
6 *Georgia, identified in the Real Estate Design Memo-*
7 *randum prepared by the Mobile district engineer,*
8 *April 5, 1996, and approved October 8, 1996, for*
9 *lands on the north side of Allatoona Lake that are*
10 *needed for wildlife management and for protection of*
11 *the water quality and overall environment of*
12 *Allatoona Lake.*

13 (2) *TERMS AND CONDITIONS.*—*The basis for all*
14 *land exchanges under this subsection shall be a fair*
15 *market appraisal so that lands exchanged are of equal*
16 *value.*

17 (b) *DISPOSAL AND ACQUISITION OF LANDS,*
18 *ALLATOONA LAKE, GEORGIA.*—

19 (1) *IN GENERAL.*—*The Secretary may also sell*
20 *lands above 863 feet in elevation at Allatoona Lake,*
21 *Georgia, identified in the memorandum referred to in*
22 *subsection (a)(1) and may use the proceeds to pay*
23 *costs associated with the purchase of lands needed for*
24 *wildlife management and for protection of the water*
25 *quality and overall environment of Allatoona Lake.*

1 (2) *TERMS AND CONDITIONS.*—*Land sales and*
 2 *purchases to be conducted under this subsection shall*
 3 *be subject to the following terms and conditions:*

4 (A) *Lands acquired under this subsection*
 5 *shall be by negotiated purchase from willing sell-*
 6 *ers only.*

7 (B) *The basis for all transactions under the*
 8 *program shall be a fair market appraisal accept-*
 9 *able to the Secretary.*

10 (C) *The purchasers shall share in the associ-*
 11 *ated environmental and real estate costs, to in-*
 12 *clude surveys and associated fees in accordance*
 13 *with the memorandum referred to in subsection*
 14 *(a)(1).*

15 (D) *Any other conditions that the Secretary*
 16 *may impose.*

17 (c) *REPEAL.*—*Section 325 of the Water Resources De-*
 18 *velopment Act of 1992 (106 Stat. 4849) is repealed.*

19 ***TITLE IV—STUDIES***

20 ***SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.***

21 *Section 455 of the Water Resources Development Act*
 22 *of 1999 (113 Stat. 330–332) is amended by adding at the*
 23 *end the following:*

24 “(g) *IN-KIND CONTRIBUTIONS FOR STUDY.*—*The non-*
 25 *Federal interest may provide up to 100 percent of the non-*

1 *Federal share required under subsection (f) in the form of*
 2 *services, materials, supplies, or other in-kind contribu-*
 3 *tions.”.*

4 **SEC. 4002. ST. GEORGE HARBOR, ALASKA.**

5 *The Secretary shall conduct, at Federal expense, a*
 6 *study to determine the feasibility of providing navigation*
 7 *improvements at St. George, Alaska.*

8 **SEC. 4003. SUSITNA RIVER, ALASKA.**

9 *The Secretary shall conduct a study to determine the*
 10 *feasibility of carrying out a project for hydropower, recre-*
 11 *ation, and related purposes on the Susitna River, Alaska.*

12 **SEC. 4004. SEARCY COUNTY, ARKANSAS.**

13 *The Secretary shall conduct a study to determine the*
 14 *feasibility of using Greers Ferry Lake as a water supply*
 15 *source for Searcy County, Arkansas.*

16 **SEC. 4005. UPPER MISSISSIPPI RIVER AND ILLINOIS WATER-**
 17 **WAY, ILLINOIS, IOWA, MINNESOTA, MISSOURI,**
 18 **AND WISCONSIN.**

19 *The Secretary shall transmit to Congress a report on*
 20 *the results of the Upper Mississippi River and Illinois Wa-*
 21 *terway Restructured System Navigation Feasibility Study,*
 22 *Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no*
 23 *later than July 1, 2004.*

1 **SEC. 4006. HAMILTON, CALIFORNIA.**

2 *The Secretary is directed to continue planning,*
 3 *preconstruction, engineering, and design efforts on the Sac-*
 4 *ramento-San Joaquin River Basins Comprehensive Study-*
 5 *Hamilton City Flood Damage Reduction and Ecosystem*
 6 *Restoration Initial Project and shall include in the study*
 7 *an area 2 miles north and 4 miles south of State Highway*
 8 *32.*

9 **SEC. 4007. OCEANSIDE, CALIFORNIA.**

10 *Section 414 of the Water Resources Development Act*
 11 *of 2000 (114 Stat. 2636) is amended by striking “32*
 12 *months” and inserting “44 months”.*

13 **SEC. 4008. SACRAMENTO RIVER, CALIFORNIA.**

14 *The Secretary shall conduct a comprehensive study to*
 15 *determine the feasibility of, and alternatives for, measures*
 16 *to protect water diversion facilities and fish protective*
 17 *screen facilities in the vicinity of river mile 178 on the Sac-*
 18 *ramento River, California.*

19 **SEC. 4009. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
 20 **QUIN DELTA, CALIFORNIA.**

21 (a) *IN GENERAL.*—*The Secretary shall conduct a*
 22 *study to determine the feasibility of the beneficial use of*
 23 *dredged material from the San Francisco Bay in the Sac-*
 24 *ramento-San Joaquin Delta, California, including the bene-*
 25 *fits and impacts of salinity in the Delta and the benefits*
 26 *to navigation, flood damage reduction, ecosystem restora-*

1 *tion, water quality, salinity control, water supply reli-*
2 *ability, and recreation.*

3 (b) *COOPERATION.*—*In conducting the study, the Sec-*
4 *retary shall cooperate with the California Department of*
5 *Water Resources and appropriate Federal and State enti-*
6 *ties in developing options for the beneficial use of dredged*
7 *material from San Francisco Bay for the Sacramento-San*
8 *Joaquin Delta area.*

9 (c) *REVIEW.*—*The study shall include a review of the*
10 *feasibility of using Sherman Island as a rehandling site*
11 *for levee maintenance material, as well as for ecosystem res-*
12 *toration. The review may include monitoring a pilot project*
13 *using up to 150,000 cubic yards of dredged material and*
14 *being carried out at the Sherman Island site, examining*
15 *larger scale use of dredged materials from the San Fran-*
16 *cisco Bay and Suisun Bay Channel, and analyzing the fea-*
17 *sibility of the potential use of saline materials from the San*
18 *Francisco Bay for both rehandling and ecosystem restora-*
19 *tion purposes.*

20 **SEC. 4010. TYBEE ISLAND, GEORGIA.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of including the northern end of Tybee Island*
23 *extending from the north terminal groin to the mouth of*
24 *Lazaretto Creek as a part of the project for beach erosion*
25 *control, Tybee Island, Georgia, carried out under section*

1 *201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–*
2 *5).*

3 **SEC. 4011. CALUMET HARBOR, ILLINOIS.**

4 *The Secretary shall conduct a study to determine the*
5 *feasibility of carrying out a project for navigation at Cal-*
6 *umet Harbor, Illinois.*

7 **SEC. 4012. PADUCAH, KENTUCKY.**

8 *The Secretary is authorized to complete a rehabilita-*
9 *tion evaluation report for the project for flood damage re-*
10 *duction, Paducah, Kentucky, and, if the Secretary deter-*
11 *mines that the project is feasible, proceed to preconstruction*
12 *engineering and design for rehabilitation of the project.*

13 **SEC. 4013. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

14 *The Secretary shall conduct a study to determine the*
15 *feasibility of carrying out a project for water supply,*
16 *Bastrop-Morehouse Parish, Louisiana.*

17 **SEC. 4014. WEST FELICIANA PARISH, LOUISIANA.**

18 *The Secretary shall conduct a study to determine the*
19 *feasibility of carrying out a project for riverfront develop-*
20 *ment, including enhanced public access, recreation, and en-*
21 *vironmental restoration, on the Mississippi River in West*
22 *Feliciania Parish, Louisiana.*

1 **SEC. 4015. CITY OF MACKINAC ISLAND, MICHIGAN.**

2 *The Secretary shall conduct a study to determine the*
3 *feasibility of carrying out a project for navigation at the*
4 *city of Mackinac Island, Michigan.*

5 **SEC. 4016. CHICAGO, ILLINOIS.**

6 *Section 425(a) of the Water Resources Development*
7 *Act of 2000 (114 Stat. 2638) is amended by inserting “Lake*
8 *Michigan and” before “the Chicago River”.*

9 **SEC. 4017. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, ILLI-**
10 **NOIS.**

11 *The Secretary shall conduct a study to determine the*
12 *feasibility of carrying out a project for ecosystem restora-*
13 *tion at the South Fork of the South Branch of the Chicago*
14 *River, Chicago, Illinois.*

15 **SEC. 4018. NORTHEAST MISSISSIPPI.**

16 *The Secretary shall conduct a study to determine the*
17 *feasibility of modifying the project for navigation, Ten-*
18 *nessee-Tombigbee Waterway, Alabama and Mississippi, to*
19 *provide water supply for northeast Mississippi.*

20 **SEC. 4019. PUEBLO OF ZUNI, NEW MEXICO.**

21 *The Secretary shall conduct a study to determine the*
22 *feasibility of carrying out projects for water resources devel-*
23 *opment, environmental restoration, and natural resources*
24 *protection for the Pueblo of Zuni, New Mexico, under sec-*
25 *tion 203 of the Water Resources Development Act of 2000*
26 *(33 U.S.C. 2269).*

1 **SEC. 4020. HUDSON-RARITAN ESTUARY, NEW YORK AND**
2 **NEW JERSEY.**

3 *In carrying out the study for environmental restora-*
4 *tion, Hudson-Raritan Estuary, New York and New Jersey,*
5 *the Secretary shall establish and utilize watershed restora-*
6 *tion teams composed of estuary restoration experts from the*
7 *Corps of Engineers, the New Jersey Department of Environ-*
8 *mental Protection, and the Port Authority of New York and*
9 *New Jersey and other experts designated by the Secretary*
10 *for the purpose of developing habitat restoration and water*
11 *quality enhancement.*

12 **SEC. 4021. SAC AND FOX NATION, OKLAHOMA.**

13 *The Secretary shall complete a water and related land*
14 *resource conservation and management plan for the Sac*
15 *and Fox Nation, Oklahoma, under section 203 of the Water*
16 *Resources Development Act of 2000 (33 U.S.C. 2269).*

17 **SEC. 4022. SUTHERLIN, OREGON.**

18 *(a) STUDY.—The Secretary shall conduct a study of*
19 *water resources along Sutherlin Creek in the vicinity of*
20 *Sutherlin, Oregon, to determine the feasibility of carrying*
21 *out a project to restore and enhance aquatic resources using*
22 *a combination of structural and bioengineering techniques*
23 *and, if the Secretary determines that the project is feasible,*
24 *may carry out the project.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to carry out this section*
3 *\$2,500,000.*

4 **SEC. 4023. TILLAMOOK BAY AND BAR, OREGON.**

5 *The Secretary shall conduct under section 216 of the*
6 *Flood Control Act of 1970 (84 Stat. 1830) a study of the*
7 *project for navigation, Tillamook Bay and Bar, Oregon, au-*
8 *thorized by the first section of the River and Harbor Appro-*
9 *priations Act of July 25, 1912 (37 Stat. 220), to investigate*
10 *measures to address dangerous and hazardous wave and*
11 *ocean conditions.*

12 **SEC. 4024. ECOSYSTEM RESTORATION AND FISH PASSAGE**
13 **IMPROVEMENTS, OREGON.**

14 (a) *STUDY.*—*The Secretary shall conduct a study to*
15 *determine the feasibility of undertaking ecosystem restora-*
16 *tion and fish passage improvements on rivers throughout*
17 *the State of Oregon.*

18 (b) *REQUIREMENTS.*—*In carrying out the study, the*
19 *Secretary shall—*

20 (1) *work in coordination with the State of Or-*
21 *egon, local governments, and other Federal agencies;*
22 *and*

23 (2) *place emphasis on—*

24 (A) *fish passage and conservation and res-*
25 *toration strategies to benefit species that are list-*

1 *ed or proposed for listing as threatened or en-*
2 *dangered species under the Endangered Species*
3 *Act of 1973 (16 U.S.C. 1531 et seq.); and*

4 *(B) other watershed restoration objectives.*

5 *(c) PILOT PROGRAM.—*

6 *(1) IN GENERAL.—In conjunction with con-*
7 *ducting the study under subsection (a), the Secretary*
8 *may carry out pilot projects to demonstrate the effec-*
9 *tiveness of ecosystem restoration and fish passages.*

10 *(2) AUTHORIZATION OF APPROPRIATIONS.—*

11 *There is authorized to be appropriated \$5,000,000 to*
12 *carry out this subsection.*

13 **SEC. 4025. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**
14 **SYSTEM RESTORATION AND PROTECTION.**

15 *The Secretary shall conduct a study to determine the*
16 *feasibility of carrying out aquatic ecosystem restoration*
17 *and protection projects in the counties of Lackawanna,*
18 *Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan,*
19 *Bradford, Northumberland, Union, Snyder, and Montour,*
20 *Pennsylvania, particularly as related to abandoned mine*
21 *drainage abatement and reestablishment of stream and*
22 *river channels.*

1 **SEC. 4026. GEORGETOWN AND WILLIAMSBURG COUNTIES,**
2 **SOUTH CAROLINA.**

3 *The Secretary shall conduct a study to determine the*
4 *feasibility of carrying out a project for water supply for*
5 *Georgetown and Williamsburg Counties, South Carolina,*
6 *including the viability and practicality of constructing a*
7 *desalinization water treatment facility to meet such water*
8 *supply needs.*

9 **SEC. 4027. SABINE PASS TO GALVESTON BAY, TEXAS.**

10 *In conducting a feasibility study for shore protection*
11 *and related improvements between Sabine Pass and the en-*
12 *trance to Galveston Bay, Texas, the Secretary may include*
13 *any benefits related to the use of State Highway 87 as an*
14 *emergency evacuation route in the determination of na-*
15 *tional economic development benefits of the project.*

16 **SEC. 4028. GRAND COUNTY AND MOAB, UTAH.**

17 *The Secretary shall conduct a study to determine the*
18 *feasibility of carrying out a project for water supply for*
19 *Grand County and the city of Moab, Utah, including a re-*
20 *view of the impact of current and future demands on the*
21 *Spanish Valley Aquifer.*

22 **SEC. 4029. CHEHALIS RIVER BASIN, WASHINGTON.**

23 *The Secretary shall conduct a river basin study for*
24 *the Chehalis River basin, Washington, including a study*
25 *of the uses of the basin's water resources to assist users in*

1 *developing a fair and equitable distribution of such re-*
 2 *sources.*

3 **SEC. 4030. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

4 *The Secretary may accept from the non-Federal inter-*
 5 *est to pay all or a part of the non-Federal share of the cost*
 6 *of feasibility study for the project for flood control in the*
 7 *vicinity of Sprague, Lincoln County, Washington, funds*
 8 *made available under any other Federal program if such*
 9 *use of the funds is permitted under the Federal program.*

10 **SEC. 4031. MONONGAHELA RIVER BASIN, NORTHERN WEST**
 11 **VIRGINIA.**

12 *The Secretary shall conduct a study to determine the*
 13 *feasibility of carrying out aquatic ecosystem restoration*
 14 *and protection projects in the watersheds of the*
 15 *Monongahela River basin lying within the counties of Han-*
 16 *cock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,*
 17 *Doddridge, Monongalia, Marion, Harrison, Taylor,*
 18 *Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke,*
 19 *and Rithchie, West Virginia, particularly as related to*
 20 *abandoned mine drainage abatement.*

21 **SEC. 4032. WAUWATOSA, WISCONSIN.**

22 *The Secretary shall conduct a study to determine the*
 23 *feasibility of carrying out a project for flood damage reduc-*
 24 *tion and environmental restoration, Menomonee River and*
 25 *Underwood Creek, Wauwatosa, Wisconsin.*

TITLE V—MISCELLANEOUS PROVISIONS

3 SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.

4 (a) *IN GENERAL.*—Upon request of a non-Federal in-
5 terest, the Secretary shall be responsible for maintenance
6 of the following navigation channels and breakwaters con-
7 structed or improved by the non-Federal interest if the Sec-
8 retary determines that such maintenance is economically
9 justified and environmentally acceptable and that the chan-
10 nel or breakwater was constructed in accordance with ap-
11 plicable permits and appropriate engineering and design
12 standards:

13 (1) *Pix Bayou navigation channel, Chambers*
14 *County, Texas.*

15 (2) *Pidgeon Industrial Harbor, Pidgeon Indus-*
16 *trial Park, Memphis Harbor, Tennessee.*

17 (3) *Racine Harbor, Wisconsin.*

18 (b) *COMPLETION OF ASSESSMENT.*—Not later than 6
19 months after the date of receipt of a request from a non-
20 Federal interest for Federal assumption of maintenance of
21 a channel listed in subsection (a), the Secretary shall make
22 a determination as provided in subsection (a) and advise
23 the non-Federal interest of the Secretary's determination.

24 (c) *SABINE-NECHES WATERWAY, TEXAS.*—The Sec-
25 retary shall remove sunken vessels and debris between miles

1 35 and 43 of the Channel to Orange, Sabine-Neches Water-
2 way, Texas, for the purpose of improving navigation safety
3 and reducing the risk to the public.

4 **SEC. 5002. WATERSHED MANAGEMENT.**

5 (a) *IN GENERAL.*—The Secretary may provide tech-
6 nical, planning, and design assistance to non-Federal inter-
7 ests for carrying out watershed management, restoration,
8 and development projects at the locations described in sub-
9 section (d).

10 (b) *SPECIFIC MEASURES.*—Assistance provided under
11 subsection (a) may be in support of non-Federal projects
12 for the following purposes:

13 (1) *Management and restoration of water qual-*
14 *ity.*

15 (2) *Control and remediation of toxic sediments.*

16 (3) *Restoration of degraded streams, rivers, wet-*
17 *lands, and other waterbodies to their natural condi-*
18 *tion as a means to control flooding, excessive erosion,*
19 *and sedimentation.*

20 (4) *Protection and restoration of watersheds, in-*
21 *cluding urban watersheds.*

22 (5) *Demonstration of technologies for non-*
23 *structural measures to reduce destructive impacts of*
24 *flooding.*

1 (c) *NON-FEDERAL SHARE.*—*The non-Federal share of*
2 *the cost of assistance provided under subsection (a) shall*
3 *be 50 percent.*

4 (d) *PROJECT LOCATIONS.*—*The locations referred to in*
5 *subsection (a) are the following:*

6 (1) *Spring Branch watershed, Huntsville, Ala-*
7 *bama.*

8 (2) *Tuolumne County, California.*

9 (3) *Cucamonga basin, Upland, California.*

10 (4) *Kinkaid Lake, Jackson County, Illinois.*

11 (5) *Those portions of the watersheds of the Con-*
12 *cord, Charles, Blackstone, Neponset, Taunton, Nash-*
13 *ua, Shawsheen, and Merrimack Rivers, Massachusetts,*
14 *lying within the Interstate Route 495 corridor.*

15 (6) *Jackson Brook watershed, New Jersey.*

16 (7) *Those portions of the watersheds of the Bea-*
17 *ver, Upper Ohio, Connoquenessing, Lower Allegheny,*
18 *Kiskiminetas, Lower Monongahela, Youghiogheny,*
19 *Shenango, and Mahoning Rivers lying within the*
20 *counties of Beaver, Butler, Lawrence, and Mercer,*
21 *Pennsylvania.*

22 (8) *Southampton Creek watershed, Southampton,*
23 *Pennsylvania.*

24 (9) *Unami Creek watershed, Milford Township,*
25 *Pennsylvania.*

1 (10) *Amite River basin, Louisiana.*

2 (11) *Iberville Parish, East Atchafalaya River*
3 *basin, Louisiana.*

4 (12) *Genesee River watershed, New York.*

5 (13) *Tonawanda Creek watershed, New York.*

6 (14) *Buffalo River watershed, New York.*

7 (15) *Eighteenmile Creek watershed, Niagara*
8 *County, New York.*

9 (16) *Cattaraugus Creek watershed, New York.*

10 (17) *Oswego River basin, New York.*

11 (18) *Red River watershed, Louisiana.*

12 (19) *Fountain Creek and tributaries, Colorado.*

13 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to carry out this section*
15 *\$15,000,000.*

16 **SEC. 5003. DAM SAFETY.**

17 (a) *ASSISTANCE.—The Secretary may provide assist-*
18 *ance to enhance dam safety at the following locations:*

19 (1) *Mountain Park Dam, Mountain Park, Geor-*
20 *gia.*

21 (2) *Barber Dam, Ada County, Idaho.*

22 (3) *Fish Creek Dam, Blaine County, Idaho.*

23 (4) *Lost Valley Dam, Adams County, Idaho.*

24 (5) *Salmon Falls Dam, Twin Falls County,*
25 *Idaho.*

1 (6) *Whaley Lake Dam, Pawling, New York.*

2 (7) *Lake Carl Blackwell Dam, Stillwater, Okla-*
3 *homa.*

4 (8) *Dams in Mountain Lakes Park, Princeton*
5 *Township, New Jersey.*

6 (9) *State Dam, Auburn, New York.*

7 (10) *Candor Dam, Candor, New York.*

8 (b) *SPECIAL RULE.—The assistance provided under*
9 *subsection (a) for State Dam, Auburn, New York, shall be*
10 *for a project for rehabilitation in accordance with the report*
11 *on State Dam Rehabilitation, Owasco Lake Outlet, New*
12 *York, dated March 1999, if the Secretary determines that*
13 *the project is feasible.*

14 (c) *FERN RIDGE DAM, OREGON.—It is the sense of*
15 *Congress that the Secretary should work to immediately*
16 *remedy the situation at Fern Ridge Dam, Oregon, due to*
17 *the rapid deterioration of the dam.*

18 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to carry out this section*
20 *\$6,000,000.*

21 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

22 (a) *IN GENERAL.—Upon request of a non-Federal in-*
23 *terest, the Secretary shall evaluate the structural integrity*
24 *and effectiveness of a project for flood damage reduction*
25 *and, if the Secretary determines that the project does not*

1 *meet such minimum standards as the Secretary may estab-*
 2 *lish and, absent action by the Secretary, the project will*
 3 *fail, the Secretary may take such action as may be nec-*
 4 *essary to restore the integrity and effectiveness of the*
 5 *project.*

6 (b) *PRIORITY.—The Secretary shall evaluate under*
 7 *subsection (a) the following projects:*

8 (1) *Project for flood damage reduction, Arkansas*
 9 *River Levees, river mile 205 to river mile 308.4, Ar-*
 10 *kansas.*

11 (2) *Project for flood damage reduction,*
 12 *Marianna Borough, Pennsylvania.*

13 (3) *Project for flood damage reduction,*
 14 *Nonconnah Creek, Tennessee.*

15 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

16 *Section 212(e) of the Water Resources Development Act*
 17 *of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is amended—*

18 (1) *by striking “and” at the end of paragraph*
 19 *(27);*

20 (2) *by striking the period at the end of para-*
 21 *graph (28) and inserting a semicolon; and*

22 (3) *by adding at the end the following:*

23 “(29) *La Crosse County, Wisconsin;*

24 “(30) *Crawford County, Wisconsin;*

25 “(31) *Buffalo County, Wisconsin;*

- 1 “(32) *Calhoun County, Illinois*;
 2 “(33) *Saint Charles County, Missouri*;
 3 “(34) *Saint Louis County, Missouri*;
 4 “(35) *Dubuque County, Iowa*;
 5 “(36) *Scott County, Iowa*;
 6 “(37) *Rock Island County, Illinois*;
 7 “(38) *Ascension Parish, Louisiana*;
 8 “(39) *East Baton Rouge Parish, Louisiana*;
 9 “(40) *Iberville Parish, Louisiana*; and
 10 “(41) *Livingston Parish, Louisiana.*”.

11 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
 12 **PROJECTS.**

13 *Section 219(e) of the Water Resources Development Act*
 14 *of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334)*
 15 *is amended—*

16 (1) *by striking “and” at the end of paragraph*
 17 *(7);*

18 (2) *by striking the period at the end of para-*
 19 *graph (8) and inserting a semicolon; and*

20 (3) *by adding at the end the following:*

21 “(9) \$20,000,000 for the project described in sub-

22 *section (c)(20);*

23 “(10) \$20,000,000 for the project described in

24 *subsection (c)(25);*

1 “(11) \$15,000,000 for the project described in
2 subsection (c)(26);

3 “(12) \$7,800,000 for the project described in sub-
4 section (c)(27);

5 “(13) \$18,000,000 for the project described in
6 subsection (c)(31); and

7 “(14) \$30,000,000 for the project described in
8 subsection (c)(40).”.

9 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND CON-**
10 **STRUCTION FOR CERTAIN PROJECTS.**

11 *The Secretary shall expedite completion of the reports*
12 *and, if the Secretary determines the project is feasible, shall*
13 *expedite completion of construction for the following*
14 *projects:*

15 (1) *Welch Point, Elk River, Cecil County, Mary-*
16 *land, being carried out under section 535(a) of the*
17 *Water Resources Development Act of 1999 (113 Stat.*
18 *348–349).*

19 (2) *West View Shores, Cecil County, Maryland,*
20 *being carried out under section 521 of the Water Re-*
21 *sources Development Act of 2000 (114. Stat. 2655).*

22 (3) *Sylvan Beach Breakwater, Verona, Oneida*
23 *County, New York, being carried out under section 3*
24 *of the Act entitled “An Act authorizing Federal par-*
25 *ticipation in the cost of protecting the shores of pub-*

1 *licly owned property”, approved August 13, 1946 (33*
2 *U.S.C. 426g).*

3 *(4) Fulmer Creek, Village of Mohawk, New York,*
4 *being carried out under section 205 of the Flood Con-*
5 *trol Act of 1948 (33 U.S.C. 701s).*

6 *(5) Moyer Creek, Village of Frankfort, New York,*
7 *being carried out under section 205 of the Flood Con-*
8 *trol Act of 1948 (33 U.S.C. 701s).*

9 *(6) Steele Creek, Village of Ilion, New York,*
10 *being carried out under section 205 of the Flood Con-*
11 *trol Act of 1948 (33 U.S.C. 701s).*

12 *(7) Oriskany Wildlife Management Area, Rome,*
13 *New York, being carried out under section 206 of the*
14 *Water Resources Development Act of 1996 (33 U.S.C.*
15 *2330).*

16 *(8) Whitney Point Lake, Otselic River, Whitney*
17 *Point, New York, being carried out under section*
18 *1135 of the Water Resources Development Act of 1986*
19 *(33 U.S.C. 2309a).*

20 *(9) Newton Creek, Bainbridge, New York, being*
21 *carried out under section 14 of the Flood Control Act*
22 *of 1946 (33 U.S.C. 701r).*

23 *(10) Chenango Lake, Chenango County, New*
24 *York, being carried out under section 206 of the*

1 *Water Resources Development Act of 1996 (33 U.S.C.*
2 *2330).*

3 *(11) Lucas Berg Pit, Worth, Illinois, being car-*
4 *ried out as part of the Calumet-Sag navigation*
5 *project, authorized by section 2 of the River and Har-*
6 *bor Act of March 2, 1945 (59 Stat. 19), and modified*
7 *by the first section of the River and Harbor Act of*
8 *July 24, 1946 (60 Stat. 636), and section 109 of the*
9 *River and Harbor Act of 1958 (72 Stat. 302).*

10 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
11 **TAIN PROJECTS.**

12 *(a) IN GENERAL.—The Secretary shall expedite com-*
13 *pletion of the reports for the following projects and, if the*
14 *Secretary determines that a project is justified in the com-*
15 *pleted report, proceed directly to project preconstruction,*
16 *engineering, and design:*

17 *(1) Project for flood damage reduction and eco-*
18 *system restoration, Sacramento and San Joaquin*
19 *River basins, Hamilton, California.*

20 *(2) Project for ecosystem restoration, University*
21 *Lake, Baton Rouge, Louisiana.*

22 *(3) Project for shoreline protection, Detroit River*
23 *Greenway Corridor, Detroit, Michigan.*

24 *(4) Project for shoreline stabilization at Egmont*
25 *Key, Florida.*

1 (b) *SPECIAL RULE.*—In carrying out the project for
 2 shoreline stabilization at Egmont Key, Florida, referred to
 3 in subsection (a)(4), the Secretary shall waive any cost
 4 share to be provided by non-Federal interests for any por-
 5 tion of the project that benefits federally owned property.

6 (c) *CHESAPEAKE, MARYLAND.*—The Secretary shall
 7 expedite completion of the study being carried out under
 8 section 535(b) of the Water Resources Development Act of
 9 1999 (113 Stat. 349) with respect to additional compensa-
 10 tion to the city of Chesapeake, Maryland.

11 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
 12 **MENT.**

13 *The Secretary may provide assistance to a coordinated*
 14 *effort by Federal, State, and local agencies, non-Federal and*
 15 *nonprofit entities, regional researchers, and other interested*
 16 *parties to assess the water resources and water resources*
 17 *needs of river basins and watersheds of the southeastern*
 18 *United States.*

19 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
 20 **MANAGEMENT PROGRAM.**

21 *Section 1103(e)(7)(A) of the Water Resources Develop-*
 22 *ment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by*
 23 *adding at the end the following: “The non-Federal interest*
 24 *may provide the non-Federal share of the cost of the project*

1 *in the form of services, materials, supplies, or other in-kind*
 2 *contributions.”.*

3 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
 4 **HANCEMENT PROJECT.**

5 *Section 514(g) of the Water Resources Development Act*
 6 *of 1999 (113 Stat. 343; 117 Stat. 142) is amended by strik-*
 7 *ing “and 2004” and inserting “through 2015”.*

8 **SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

9 *Section 904(b)(1)(B) of the Water Resources Develop-*
 10 *ment Act of 2000 (114 Stat. 2708) is amended—*

11 *(1) by striking “and” at the end of clause (vii);*

12 *(2) by redesignating clause (viii) as clause (ix);*

13 *and*

14 *(3) by inserting after clause (vii) the following:*

15 *“(viii) rural water systems; and”.*

16 **SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
 17 **TORATION.**

18 *Section 506(f)(3)(B) of the Water Resources Develop-*
 19 *ment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat. 2646)*
 20 *is amended by striking “50 percent” and inserting “100*
 21 *percent”.*

22 **SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC**
 23 **RIVER BASINS.**

24 *(a) EX OFFICIO MEMBER.—Notwithstanding section*
 25 *3001(a) of the 1997 Emergency Supplemental Appropria-*

1 *tions Act for Recovery From Natural Disasters, and for*
 2 *Overseas Peacekeeping Efforts, Including Those in Bosnia*
 3 *(111 Stat. 176) and section 2.2 of both the Susquehanna*
 4 *River Basin Compact (Public Law 91–575) and the Dela-*
 5 *ware River Basin Compact (Public Law 87–328), begin-*
 6 *ning in fiscal year 2002 and thereafter, the Division Engi-*
 7 *neer, North Atlantic Division, Corps of Engineers, shall be*
 8 *the ex officio United States member under the Susquehanna*
 9 *River Basin Compact and the Delaware River Basin Com-*
 10 *pact, who shall serve without additional compensation and*
 11 *who may designate an alternate member or members in ac-*
 12 *cordance with the terms of those respective compacts.*

13 (b) *AUTHORIZATION TO ALLOCATE.—The Secretary*
 14 *may allocate funds to the Susquehanna River Basin Com-*
 15 *mission, Delaware River Basin Commission, and the Inter-*
 16 *state Commission on the Potomac River Basin (Potomac*
 17 *River Basin Compact (Public Law 91–407)) to fulfill the*
 18 *equitable funding requirements of their respective interstate*
 19 *compacts.*

20 (c) *WATER SUPPLY AND CONSERVATION STORAGE.—*
 21 *The Secretary shall enter into an agreement with the Dela-*
 22 *ware River Basin Commission to provide temporary water*
 23 *supply and conservation storage at the Francis E. Walter*
 24 *Dam, Pennsylvania, during any period in which the Com-*
 25 *mission has determined that a drought warning or drought*

1 *emergency exists. The agreement shall provide that the cost*
 2 *for any such water supply and conservation storage shall*
 3 *not exceed the incremental operating costs associated with*
 4 *providing the storage.*

5 **SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
 6 **TION AND PROTECTION PROGRAM.**

7 *Section 510(i) of the Water Resources Development Act*
 8 *of 1996 (110 Stat. 3761) is amended by striking*
 9 *“\$10,000,000” and inserting “\$30,000,000”.*

10 **SEC. 5016. MONTGOMERY, ALABAMA.**

11 *The Secretary shall review the navigation and aquatic*
 12 *ecosystem restoration components of the Montgomery River-*
 13 *front and Downtown Master Plan, Montgomery, Alabama,*
 14 *dated May 2001, and prepared by the non-Federal interest*
 15 *and, if the Secretary determines that those components meet*
 16 *the evaluation and design standards of the Corps of Engi-*
 17 *neers and that the components are feasible, may carry out*
 18 *the components at a Federal cost not to exceed \$5,000,000.*

19 **SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

20 *The Secretary shall design and construct the locally*
 21 *preferred plan for flood protection at Pinhook Creek, Hunts-*
 22 *ville, Alabama, under the authority of section 205 of the*
 23 *Flood Control Act of 1948 (33 U.S.C. 701s). The Secretary*
 24 *shall allow the non-Federal interest to participate in the*
 25 *financing of the project in accordance with section 903(c)*

1 *of the Water Resources Development Act of 1986 (100 Stat.*
 2 *4184) to the extent that the Secretary’s evaluation indicates*
 3 *that applying such section is necessary to implement the*
 4 *project.*

5 **SEC. 5018. ALASKA.**

6 *Section 570 of the Water Resources Development Act*
 7 *of 1999 (113 Stat. 369) is amended—*

8 *(1) in subsection (e)(3)(B) by striking the last*
 9 *sentence;*

10 *(2) in subsection (h) by striking “\$25,000,000”*
 11 *and inserting “\$40,000,000”; and*

12 *(3) by adding at the end the following:*

13 *“(i) NONPROFIT ENTITIES.—Notwithstanding section*
 14 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
 15 *5b(b)), for any project undertaken under this section, a non-*
 16 *Federal interest may include a nonprofit entity, with the*
 17 *consent of the affected local government.*

18 *“(j) CORPS OF ENGINEERS EXPENSES.—Ten percent*
 19 *of the amounts appropriated to carry out this section may*
 20 *be used by the Corps of Engineers district offices to admin-*
 21 *ister projects under this section at 100 percent Federal ex-*
 22 *pense.”.*

23 **SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.**

24 *(a) IN GENERAL.—The Secretary shall expedite the*
 25 *study for the Akutan Small Boat Harbor, Alaska, and upon*

1 completion of the feasibility study, shall design and con-
 2 struct the project, if the Secretary determines that the
 3 project is feasible.

4 (b) *TREATMENT OF CERTAIN DREDGING.*—The
 5 headlands dredging for the mooring basin shall be consid-
 6 ered general navigation feature for purposes of estimating
 7 the non-Federal share of the cost of the project.

8 **SEC. 5020. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

9 (a) *LONG-TERM MAINTENANCE AND REPAIR.*—The
 10 Secretary shall assume responsibility for the long-term
 11 maintenance and repair of the Lowell Creek Tunnel.

12 (b) *STUDY.*—The Secretary shall conduct a study to
 13 determine whether alternative methods of flood diversion in
 14 Lowell Canyon are feasible.

15 **SEC. 5021. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
 16 **ALASKA.**

17 The Secretary shall carry out, on an emergency basis,
 18 necessary removal of rubble, sediment, and rock that are
 19 impeding the entrance to the St. Herman and St. Paul
 20 Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

21 **SEC. 5022. AUGUSTA AND CLARENDON, ARKANSAS.**

22 (a) *IN GENERAL.*—The Secretary is authorized to per-
 23 form operation, maintenance, and rehabilitation of author-
 24 ized and completed levees on the White River between Au-
 25 gusta and Clarendon, Arkansas.

1 (b) *REIMBURSEMENT.*—After performing the oper-
 2 ation, maintenance, and rehabilitation under subsection
 3 (a), the Secretary shall seek reimbursement from the Sec-
 4 retary of the Interior of an amount equal to the costs allo-
 5 cated to benefits to a Federal wildlife refuge of such oper-
 6 ation, maintenance, and rehabilitation.

7 **SEC. 5023. LOOMIS LANDING, ARKANSAS.**

8 *The Secretary shall conduct a study of shore damage*
 9 *in the vicinity of Loomis Landing, Arkansas, to determine*
 10 *if the damage is the result of a Federal navigation project,*
 11 *and, if the Secretary determines that the damage is the re-*
 12 *sult of a Federal navigation project, the Secretary shall*
 13 *carry out a project to mitigate the damage under section*
 14 *111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).*

15 **SEC. 5024. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
 16 **TION PROJECT, ARKANSAS AND OKLAHOMA.**

17 *The McClellan-Kerr Arkansas River navigation and*
 18 *comprehensive development project, Arkansas and Okla-*
 19 *homa, authorized by the Act entitled “An Act authorizing*
 20 *the construction of certain public works on rivers and har-*
 21 *bors for flood control, and for other purposes”, approved*
 22 *June 28, 1938 (52 Stat. 1215), and the first section of the*
 23 *River and Harbor Act of 1946 (60 Stat. 364) and modified*
 24 *by section 108 of the Energy and Water Development Ap-*
 25 *propriations Act, 1988 (101 Stat. 1329–112), is further*

1 *modified to authorize a project depth of 12 feet in the States*
 2 *of Arkansas and Oklahoma.*

3 **SEC. 5025. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
 4 **SOURI.**

5 *The Secretary shall conduct a study of increased silta-*
 6 *tion and streambank erosion in the St. Francis River basin,*
 7 *Arkansas and Missouri, to determine if the siltation or ero-*
 8 *sion, or both, are the result of a Federal flood control project*
 9 *and, if the Secretary determines that the siltation or ero-*
 10 *sion, or both, are the result of a Federal flood control*
 11 *project, the Secretary shall carry out a project to mitigate*
 12 *the siltation or erosion, or both.*

13 **SEC. 5026. CAMBRIA, CALIFORNIA.**

14 *Section 219(f)(48) of the Water Resources Development*
 15 *Act of 1992 (114 Stat. 2763A–220) is amended—*

16 *(1) by striking “\$10,300,000” and inserting the*
 17 *following:*

18 *“(A) IN GENERAL.—\$10,300,000”;*

19 *(2) by adding at the end the following:*

20 *“(B) CREDIT.—The Secretary shall credit*
 21 *toward the non-Federal share of the cost of the*
 22 *project not to exceed \$3,000,000 for the cost of*
 23 *planning and design work carried out by the*
 24 *non-Federal interest before the date of the part-*
 25 *nership agreement for the project if the Secretary*

1 *determines that the work is integral to the*
 2 *project.”; and*

3 *(3) by aligning the remainder of the text of sub-*
 4 *paragraph (A) (as designated by paragraph (1) of*
 5 *this section) with subparagraph (B) (as added by*
 6 *paragraph (2) of this section).*

7 **SEC. 5027. CONTRA COSTA CANAL, OAKLEY AND**
 8 **KNIGHTSEN, CALIFORNIA; MALLARD SLOUGH,**
 9 **PITTSBURG, CALIFORNIA.**

10 *Sections 512 and 514 of the Water Resources Develop-*
 11 *ment Act of 2000 (114 Stat. 2650) are each amended by*
 12 *adding at the end the following: “All planning, study, de-*
 13 *sign, and construction on the project shall be carried out*
 14 *by the office of the district engineer, San Francisco, Cali-*
 15 *fornia.”.*

16 **SEC. 5028. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

17 *Section 219(f)(22) of the Water Resources Development*
 18 *Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amend-*
 19 *ed—*

20 *(1) by striking “\$25,000,000” and inserting the*
 21 *following:*

22 *“(A) IN GENERAL.—\$25,000,000”;*

23 *(2) by adding at the end the following:*

24 *“(B) CREDIT.—The Secretary shall credit*
 25 *toward the non-Federal share of the cost of the*

1 *project (i) the cost of design and construction*
 2 *work carried out by the non-Federal interest be-*
 3 *fore the date of the partnership agreement for the*
 4 *project if the Secretary determines that the work*
 5 *is integral to the project; and (ii) the cost of in-*
 6 *kind services and materials provided for the*
 7 *project by the non-Federal interest.*

8 *“(C) IN-KIND CONTRIBUTIONS.—The non-*
 9 *Federal interest may provide any portion of the*
 10 *non-Federal share of the cost of the project in the*
 11 *form of services, materials, supplies, or other in-*
 12 *kind contributions.”; and*

13 *(3) by aligning the remainder of the text of sub-*
 14 *paragraph (A) (as designated by paragraph (1) of*
 15 *this section) with subparagraph (B) (as added by*
 16 *paragraph (2) of this section).*

17 **SEC. 5029. SACRAMENTO AREA, CALIFORNIA.**

18 *Section 219(f)(23) of the Water Resources Development*
 19 *Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336) is amend-*
 20 *ed—*

21 *(1) by striking “\$25,000,000” and inserting*
 22 *“\$35,000,000”;*

23 *(2) by inserting “water supply and” before “re-*
 24 *gional”;* and

1 (3) *by adding at the end the following:*
 2 “§_____ *for wastewater and water sup-*
 3 *ply infrastructure in the counties of Modoc, Lassen,*
 4 *Plumas, Butte, Sierra, Nevada, El Dorado, and Plac-*
 5 *er, California.”.*

6 **SEC. 5030. SACRAMENTO DEEP WATER SHIP CHANNEL,**
 7 **CALIFORNIA.**

8 (a) *IN GENERAL.—The Secretary is authorized to*
 9 *transfer title to the Bascule Bridge, deauthorized by section*
 10 *347(a)(2) of the Water Resources Development Act of 2000*
 11 *(114. Stat. 2618), to the city of West Sacramento, Cali-*
 12 *fornia, subject to the execution of an agreement by the Sec-*
 13 *retary and the city which specifies the terms and conditions*
 14 *for such transfer. The terms and conditions of the transfer*
 15 *shall include a provision authorizing the Secretary to par-*
 16 *ticipate in the construction of a replacement bridge fol-*
 17 *lowing the removal of the Bascule Bridge.*

18 (b) *AUTHORIZATION OF APPROPRIATION.—There is*
 19 *authorized to be appropriated \$5,000,000 for the Secretary*
 20 *to participate in the construction of a replacement bridge*
 21 *under this section.*

22 **SEC. 5031. SAN FRANCISCO, CALIFORNIA.**

23 (a) *PIER 70 WHARF 5 REMOVAL AND DREDGING*
 24 *PROJECT.—*

1 (1) *IN GENERAL.*—*The Secretary, in cooperation*
2 *with the Port of San Francisco, shall carry out the*
3 *project for removal of Wharf 5 and associated pilings*
4 *and dredgings at Pier 70 in San Francisco, Cali-*
5 *formia, substantially in accordance with the Port's re-*
6 *development plans.*

7 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
8 *There is authorized to be appropriated \$1,600,000 to*
9 *carry out this subsection.*

10 (b) *PIERS 94–96 REPAIRS PROJECT.*—

11 (1) *IN GENERAL.*—*The Secretary, in cooperation*
12 *with the Port of San Francisco, California, may*
13 *carry out the project for repairs to Piers 94–96 in*
14 *San Francisco, California, substantially in accord-*
15 *ance with the Port's redevelopment plan.*

16 (2) *AUTHORIZATION OF APPROPRIATION.*—*There*
17 *is authorized to be appropriated \$5,000,000 to carry*
18 *out this subsection.*

19 (c) *CAPITAL IMPROVEMENT PROJECT.*—

20 (1) *ESTABLISHMENT OF OFFICE.*—*The Secretary*
21 *shall establish a centralized office at the office of the*
22 *district engineer, San Francisco, California, for the*
23 *use of all Federal and State agencies that are or will*
24 *be involved in issuing permits and conducting envi-*
25 *ronmental reviews for the capital improvement*

1 *project to repair and upgrade the water supply and*
 2 *delivery system for the city of San Francisco.*

3 (2) *CONTRIBUTIONS.—The Secretary may use*
 4 *the authority under section 214 of the Water Re-*
 5 *sources Development Act of 2000 (33 U.S.C. 2201*
 6 *note) for the project described in paragraph (1).*

7 (3) *PROTECTION OF IMPARTIAL DECISION-*
 8 *MAKING.—In carrying out this subsection, the Sec-*
 9 *retary and the heads of Federal agencies receiving*
 10 *funds under such section 214 for the project described*
 11 *in paragraph (1) shall ensure that the use of the*
 12 *funds accepted under such section for such project will*
 13 *not impact impartial decisionmaking with respect to*
 14 *the issuance of permits, either substantively or proce-*
 15 *durally, or diminish, modify, or otherwise affect the*
 16 *statutory or regulatory authorities of such agencies.*

17 **SEC. 5032. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
 18 **AREA.**

19 (a) *AREA TO BE DECLARED NONNAVIGABLE; PUBLIC*
 20 *INTEREST.—Unless the Secretary finds, after consultation*
 21 *with local and regional public officials (including local and*
 22 *regional public planning organizations), that the proposed*
 23 *projects to be undertaken within the boundaries of the por-*
 24 *tion of the San Francisco, California, waterfront area de-*
 25 *scribed in subsection (b) are not in the public interest, such*

1 *portion is declared to be nonnavigable waters of the United*
2 *States.*

3 (b) *NORTHERN EMBARCADERO SOUTH OF BRYANT*
4 *STREET.—The portion of the San Francisco, California,*
5 *waterfront area referred to in subsection (a) is as follows:*
6 *Beginning at the intersection of the northwesterly line of*
7 *Bryant Street with the southwesterly line of Spear Street,*
8 *which intersection lies on the line of jurisdiction of the San*
9 *Francisco Port Authority; following thence westerly and*
10 *southerly along said line of jurisdiction as described in the*
11 *State of California Harbor and Navigable Code Section*
12 *1770, as amended in 1961, to its intersection with the eas-*
13 *terly line of Townsend Street produced southerly; thence*
14 *northerly along said easterly line of Townsend Street pro-*
15 *duced to its intersection with the United States Government*
16 *pier-head line; thence following said pier-head line westerly*
17 *and northerly to its intersection with the existing boundary*
18 *line of Piers 30/32, then northerly and easterly along the*
19 *existing boundary of Piers 30/32 until its intersection with*
20 *the United States Government pier-head line, thence fol-*
21 *lowing said pier-head line westerly and northerly to the*
22 *northwesterly line of Bryant Street produced northwesterly;*
23 *thence southwesterly along said northwesterly line of Bry-*
24 *ant Street produced to the point of beginning.*

1 (c) *REQUIREMENT THAT AREA BE IMPROVED.*—The
 2 *declaration of nonnavigability under subsection (a) applies*
 3 *only to those parts of the area described in subsection (b)*
 4 *that are or will be bulkheaded, filled, or otherwise occupied*
 5 *by permanent structures and does not affect the applica-*
 6 *bility of any Federal statute or regulation applicable to*
 7 *such parts the day before the date of enactment of this Act,*
 8 *including sections 9 and 10 of the Act of March 3, 1899*
 9 *(33 U.S.C. 401 and 403; 30 Stat. 1151), commonly known*
 10 *as the Rivers and Harbors Appropriation Act of 1899, sec-*
 11 *tion 404 of the Federal Water Pollution Control Act (33*
 12 *U.S.C. 1344), and the National Environmental Policy Act*
 13 *of 1969 (42 U.S.C. 4321 et seq.).*

14 (d) *EXPIRATION DATE.*—If, 20 years from the date of
 15 *enactment of this Act, any area or part thereof described*
 16 *in subsection (b) is not bulkheaded or filled or occupied by*
 17 *permanent structures, including marina facilities, in ac-*
 18 *cordance with the requirements set out in subsection (c),*
 19 *or if work in connection with any activity permitted in*
 20 *subsection (c) is not commenced within 5 years after*
 21 *issuance of such permits, then the declaration of nonnaviga-*
 22 *bility for such area or part thereof shall expire.*

23 **SEC. 5033. STOCKTON, CALIFORNIA.**

24 (a) *REEVALUATION.*—The Secretary shall reevaluate
 25 *the feasibility of the Lower Mosher Slough element and the*

1 *levee extensions on the Upper Calaveras River element of*
 2 *the project for flood control, Stockton Metropolitan Area,*
 3 *California, carried out under section 211(f)(3) of the Water*
 4 *Resources Development Act of 1996 (110 Stat. 3683), to de-*
 5 *termine the eligibility of such elements for reimbursement*
 6 *under section 211 of such Act (33 U.S.C. 701b–13).*

7 (b) *SPECIAL RULES FOR REEVALUATION.*—*In con-*
 8 *ducting the reevaluation under subsection (a), the Secretary*
 9 *shall not reject a feasibility determination based on policies*
 10 *of the Corps of Engineers concerning the frequency of flood-*
 11 *ing, the drainage area, and the amount of runoff.*

12 (c) *REIMBURSEMENT.*—*If the Secretary determines*
 13 *that the elements referred to subsection (a) are feasible, the*
 14 *Secretary shall reimburse, subject to appropriations, the*
 15 *non-Federal interest under section 211 of the Water Re-*
 16 *sources Development Act of 1996 for the Federal share of*
 17 *the cost of such elements.*

18 **SEC. 5034. CHARLES HERVEY TOWNSHEND BREAKWATER,**
 19 **CONNECTICUT.**

20 *The western breakwater for the project for navigation,*
 21 *New Haven Harbor, Connecticut, authorized by the 1st sec-*
 22 *tion of the Act entitled “An Act making appropriations for*
 23 *the construction, repair, and preservation of certain public*
 24 *works on rivers and harbors, and for other purposes”, ap-*
 25 *proved September 19, 1890 (26 Stat. 426), shall be known*

1 *and designated as the “Charles Hervey Townshend Break-*
 2 *water”.*

3 **SEC. 5035. EVERGLADES RESTORATION, FLORIDA.**

4 *(a) COMPREHENSIVE PLAN.—*

5 *(1) HILLSBORO AND OKEECHOBEE AQUIFER.—*

6 *Section 601(b)(2)(A) of the Water Resources Develop-*
 7 *ment Act of 2000 (114 Stat. 2681) is amended—*

8 *(A) in clause (i) by adding at the end the*
 9 *following: “The project for aquifer storage and*
 10 *recovery, Hillsboro and Okeechobee Aquifer, Flor-*
 11 *ida, authorized by section 101(a)(16) of the*
 12 *Water Resources Development Act of 1999 (113*
 13 *Stat. 276), shall be treated for purposes of this*
 14 *section as being in the Plan.”; and*

15 *(B) in clause (iii) by inserting after “sub-*
 16 *paragraph (B)” the following: “and the project*
 17 *for aquifer storage and recovery, Hillsboro and*
 18 *Okeechobee Aquifer”.*

19 *(2) OUTREACH AND ASSISTANCE.—Section*
 20 *601(k) of such Act (114 Stat. 2691–2692) is amended*
 21 *by adding at the end the following:*

22 *“(3) MAXIMUM EXPENDITURES.—The Secretary*
 23 *may expend up to \$3,000,000 per fiscal year for fiscal*
 24 *years beginning after September 30, 2002, to carry*
 25 *out this subsection.”.*

1 (b) *CRITICAL RESTORATION PROJECTS.*—Section
 2 528(b)(3)(C) of the Water Resources Development Act of
 3 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

4 (1) in clause (i) by striking “\$75,000,000” and
 5 all that follows through “2003” and inserting
 6 “\$95,000,000”; and

7 (2) in clause (ii) by striking “\$25,000,000” and
 8 inserting “\$30,000,000”.

9 **SEC. 5036. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.**

10 Section 109(e)(2) of Division B of the Miscellaneous
 11 Appropriations Act, 2001 (enacted into law by Public Law
 12 106–554) (114 Stat. 2763A–222) is amended by adding at
 13 the end the following:

14 “(C) *CREDIT FOR WORK PRIOR TO EXECU-*
 15 *TION OF THE PARTNERSHIP AGREEMENT.*—The
 16 Secretary shall credit toward the non-Federal
 17 share of the cost of the project (i) the cost of con-
 18 struction work carried out by the non-Federal
 19 interest before the date of the partnership agree-
 20 ment for the project if the Secretary determines
 21 that the work is integral to the project; and (ii)
 22 the cost of land acquisition carried out by the
 23 non-Federal interest for projects to be carried out
 24 under this section.”.

1 **SEC. 5037. LAKE WORTH, FLORIDA.**

2 *The Secretary may carry out necessary repairs for the*
 3 *Lake Worth bulkhead replacement project, West Palm*
 4 *Beach, Florida, at an estimated total cost of \$9,000,000.*

5 **SEC. 5038. LAKE LANIER, GEORGIA.**

6 *The Secretary may assist local interests with plan-*
 7 *ning, design, and construction of facilities at the Lake La-*
 8 *nier Olympic Center, Georgia, in support of the 2003 World*
 9 *Kayaking Championships, at a total cost of \$5,300,000.*

10 **SEC. 5039. RILEY CREEK RECREATION AREA, IDAHO.**

11 *The Secretary is authorized to carry out the Riley*
 12 *Creek Recreation Area Operation Plan of the Albeni Falls*
 13 *Management Plan, dated October 2001, for the Riley Creek*
 14 *Recreation Area, Albeni Falls Dam, Bonner County, Idaho.*

15 **SEC. 5040. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
 16 **TION PROJECTS.**

17 (a) *IN GENERAL.*—*The Secretary may participate in*
 18 *the reconstruction of an eligible flood control project if the*
 19 *Secretary determines that such reconstruction is not re-*
 20 *quired as a result of improper operation and maintenance*
 21 *of the project by the non-Federal interest.*

22 (b) *COST SHARING.*—*The non-Federal share of the*
 23 *costs for the reconstruction of a flood control project author-*
 24 *ized by this section shall be the same Federal share that*
 25 *was applicable to construction of the project. The non-Fed-*
 26 *eral interest shall be responsible for operation and mainte-*

1 nance and repair of a project for which reconstruction is
 2 undertaken under this section.

3 (c) *RECONSTRUCTION DEFINED.*—In this section, the
 4 term “reconstruction”, as used with respect to a project,
 5 means addressing major project deficiencies caused by long-
 6 term degradation of the foundation, construction materials,
 7 or engineering systems or components of the project, the re-
 8 sults of which render the project at risk of not performing
 9 in compliance with its authorized project purposes. In ad-
 10 dressing such deficiencies, the Secretary may incorporate
 11 current design standards and efficiency improvements, in-
 12 cluding the replacement of obsolete mechanical and elec-
 13 trical components at pumping stations, if such incorpora-
 14 tion does not significantly change the scope, function, and
 15 purpose of the project as authorized.

16 (d) *ELIGIBLE PROJECTS.*—The following flood control
 17 projects are eligible for reconstruction under this section:

18 (1) *Wood River Drainage and Levee District, Il-*
 19 *linois, authorized as part of the navigation project of*
 20 *the Upper Mississippi River basin by section 2 of the*
 21 *Flood Control Act of June 28, 1938 (52 Stat. 1218).*

22 (2) *Clear Creek Drainage and Levee District, Il-*
 23 *linois, authorized by section 5 of the Flood Control*
 24 *Act of June 22, 1936 (49 Stat. 1581).*

1 (3) *Fort Chartres and Ivy Landing Drainage*
 2 *District, Illinois, authorized as part of the navigation*
 3 *project of the Upper Mississippi River basin by sec-*
 4 *tion 2 of the Flood Control Act of June 22, 1938 (52*
 5 *Stat. 1218).*

6 (e) *JUSTIFICATION.*—*The reconstruction of a project*
 7 *authorized by this section shall not be considered a sepa-*
 8 *rable element of the project.*

9 (f) *AUTHORIZATION OF APPROPRIATION.*—*There is au-*
 10 *thorized to be appropriated \$15,000,000 to carry out this*
 11 *section. Such sums shall remain available until expended.*

12 **SEC. 5041. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
 13 **TION.**

14 (a) *KASKASKIA RIVER BASIN DEFINED.*—*In this sec-*
 15 *tion, the term “Kaskaskia River basin” means the*
 16 *Kaskaskia River, Illinois, its backwaters, its side channels,*
 17 *and all tributaries, including their watersheds, draining*
 18 *into the Kaskaskia River.*

19 (b) *COMPREHENSIVE PLAN.*—

20 (1) *DEVELOPMENT.*—*The Secretary shall de-*
 21 *velop, as expeditiously as practicable, a comprehen-*
 22 *sive plan for the purpose of restoring, preserving, and*
 23 *protecting the Kaskaskia River basin.*

24 (2) *TECHNOLOGIES AND INNOVATIVE AP-*
 25 *PROACHES.*—*The comprehensive plan shall provide*

1 *for the development of new technologies and innova-*
2 *tive approaches—*

3 *(A) to enhance the Kaskaskia River as a*
4 *transportation corridor;*

5 *(B) to improve water quality within the en-*
6 *tire Kaskaskia River basin;*

7 *(C) to restore, enhance, and preserve habitat*
8 *for plants and wildlife;*

9 *(D) to increase economic opportunity for*
10 *agriculture and business communities; and*

11 *(E) to reduce the impacts of flooding to*
12 *communities and landowners.*

13 *(3) SPECIFIC COMPONENTS.—The comprehensive*
14 *plan shall include such features as are necessary to*
15 *provide for—*

16 *(A) the development and implementation of*
17 *a program for sediment removal technology, sedi-*
18 *ment characterization, sediment transport, and*
19 *beneficial uses of sediment;*

20 *(B) the development and implementation of*
21 *a program for the planning, conservation, eval-*
22 *uation, and construction of measures for fish and*
23 *wildlife habitat conservation and rehabilitation,*
24 *and stabilization and enhancement of land and*
25 *water resources in the basin;*

1 (C) the development and implementation of
2 a long-term resource monitoring program;

3 (D) the development and implementation of
4 a computerized inventory and analysis system;
5 and

6 (E) the development and implementation of
7 a systemic plan to reduce flood impacts by
8 means of ecosystem restoration projects.

9 (4) CONSULTATION.—The comprehensive plan
10 shall be developed by the Secretary in consultation
11 with appropriate Federal agencies, the State of Illi-
12 nois, and the Kaskaskia River Coordinating Council.

13 (5) REPORT TO CONGRESS.—Not later than 2
14 years after the date of enactment of this Act, the Sec-
15 retary shall transmit to Congress a report containing
16 the comprehensive plan.

17 (6) ADDITIONAL STUDIES AND ANALYSES.—After
18 transmission of a report under paragraph (5), the
19 Secretary shall conduct studies and analyses of
20 projects related to the comprehensive plan that are
21 appropriate and consistent with this subsection.

22 (c) GENERAL PROVISIONS.—

23 (1) WATER QUALITY.—In carrying out activities
24 under this section, the Secretary's recommendations

1 *shall be consistent with applicable State water quality*
2 *standards.*

3 (2) *PUBLIC PARTICIPATION.*—*In developing the*
4 *comprehensive plan under subsection (b), the Sec-*
5 *retary shall implement procedures to facilitate public*
6 *participation, including providing advance notice of*
7 *meetings, providing adequate opportunity for public*
8 *input and comment, maintaining appropriate*
9 *records, and making a record of the proceedings of*
10 *meetings available for public inspection.*

11 (d) *COORDINATION.*—*The Secretary shall integrate ac-*
12 *tivities carried out under this section with ongoing Federal*
13 *and State programs, projects, and activities, including the*
14 *following:*

15 (1) *Farm programs of the Department of Agri-*
16 *culture.*

17 (2) *Conservation Reserve Enhancement Program*
18 *(State of Illinois) and Conservation 2000 Ecosystem*
19 *Program of the Illinois Department of Natural Re-*
20 *sources.*

21 (3) *Conservation 2000 Conservation Practices*
22 *Program and the Livestock Management Facilities*
23 *Act administered by the Illinois Department of Agri-*
24 *culture.*

1 (4) *National Buffer Initiative of the Natural Re-*
 2 *sources Conservation Service.*

3 (5) *Nonpoint source grant program administered*
 4 *by the Illinois Environmental Protection Agency.*

5 (e) *COST SHARING.*—

6 (1) *IN GENERAL.*—*The non-Federal share of the*
 7 *cost of activities carried out under this section shall*
 8 *be 35 percent.*

9 (2) *IN-KIND SERVICES.*—*The Secretary may*
 10 *credit the cost of in-kind services provided by the non-*
 11 *Federal interest for an activity carried out under this*
 12 *section toward not more than 80 percent of the non-*
 13 *Federal share of the cost of the activity. In-kind serv-*
 14 *ices shall include all State funds expended on pro-*
 15 *grams that accomplish the goals of this section, as de-*
 16 *termined by the Secretary. The programs may include*
 17 *the Kaskaskia River Conservation Reserve Program,*
 18 *the Illinois Conservation 2000 Program, the Open*
 19 *Lands Trust Fund, and other appropriate programs*
 20 *carried out in the Kaskaskia River basin.*

21 **SEC. 5042. NATALIE CREEK, MIDLOTHIAN AND OAK FOREST,**
 22 **ILLINOIS.**

23 *The Secretary shall carry out a project for flood dam-*
 24 *age reduction under section 205 of the Flood Control Act*
 25 *of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and*

1 *Oak Forest, Illinois, if the Secretary determines that the*
 2 *project is feasible.*

3 **SEC. 5043. PEORIA RIVERFRONT DEVELOPMENT, PEORIA,**
 4 **ILLINOIS.**

5 *The Secretary may carry out the project for Peoria*
 6 *riverfront development, Peoria, Illinois, under section 519*
 7 *of the Water Resources Development Act of 2000 (114 Stat.*
 8 *2653–2655), at a total cost of \$16,000,000, with an esti-*
 9 *mated Federal cost of \$10,400,000 and an estimated non-*
 10 *Federal cost of \$5,600,000.*

11 **SEC. 5044. ILLINOIS RIVER BASIN RESTORATION.**

12 (a) *EXTENSION OF AUTHORIZATION.*—Section
 13 *519(c)(2) of the Water Resources Development Act of 2000*
 14 *(114 Stat. 2654) is amended by striking “2004” and insert-*
 15 *ing “2010”.*

16 (b) *IN-KIND SERVICES.*—Section 519(g)(3) of such Act
 17 *(114 Stat. 2655) is amended by inserting before the period*
 18 *at the end of the first sentence “if such services are provided*
 19 *not more than 5 years before the date of initiation of the*
 20 *project or activity”.*

21 **SEC. 5045. CALUMET REGION, INDIANA.**

22 *Section 219(f)(12) of the Water Resources Development*
 23 *Act of 1992 (113 Stat. 335) is amended—*

24 (1) *by striking “\$10,000,000” and inserting*
 25 *“\$30,000,000”; and*

1 (2) by striking “Lake and Porter” and inserting
2 “Benton, Jasper, Lake, Newton, and Porter”.

3 **SEC. 5046. RATHBUN LAKE, IOWA.**

4 (a) *CONVEYANCE*.—The Secretary shall convey the re-
5 maining water supply storage allocation in Rathbun Lake,
6 Iowa, to the Rathbun Regional Water Association (in this
7 section referred to as the “Water Association”).

8 (b) *COST SHARING*.—Notwithstanding the Water Sup-
9 ply Act of 1958 (43 U.S.C. 390b), the Water Association
10 shall pay 100 percent of the cost of the water supply storage
11 allocation to be conveyed under subsection (a). The Sec-
12 retary shall credit toward such non-Federal share the cost
13 of any structures and facilities constructed by the Water
14 Association at the project.

15 (c) *TERMS AND CONDITIONS*.—Before conveying the
16 water supply storage allocation under subsection (a), the
17 Secretary shall enter into an agreement with the Water As-
18 sociation, under which the Water Association shall agree
19 to—

20 (1) in accordance with designs approved by the
21 Chief of Engineers, construct structures and facilities
22 referred to in subsection (b) that have a value equal
23 to or greater than the amount that otherwise would
24 be paid to the Federal Government for the costs of the

1 *water supply storage under the Water Supply Act of*
 2 *1958 (43 U.S.C. 390b);*

3 *(2) be responsible for operating and maintaining*
 4 *the structures and facilities;*

5 *(3) pay all operation and maintenance costs al-*
 6 *located to the water supply storage space;*

7 *(4) use any revenues generated at the structures*
 8 *and facilities that are above those required to operate*
 9 *and maintain or improve the complex to undertake,*
 10 *subject to the approval of the Chief of Engineers, ac-*
 11 *tivities that will improve the quality of the environ-*
 12 *ment in the Rathbun Lake watershed area; and*

13 *(5) such other terms and conditions as the Sec-*
 14 *retary considers necessary to protect the interests of*
 15 *the United States.*

16 **SEC. 5047. CUMBERLAND RIVER BASIN, KENTUCKY.**

17 *At reservoirs managed by the Secretary within the*
 18 *Cumberland River basin, Kentucky, the Secretary shall con-*
 19 *tinue to charge fees associated with storage and mainte-*
 20 *nance of water supply that were in effect on October 1,*
 21 *2002.*

22 **SEC. 5048. MAYFIELD CREEK AND TRIBUTARIES, KENTUCKY.**

23 *The Secretary shall conduct a study of flood damage*
 24 *along Mayfield Creek and tributaries between Wickliffe and*
 25 *Mayfield, Kentucky, to determine if the damage is the result*

1 of a Federal flood damage reduction project, and, if the Sec-
 2 retary determines that the damage is the result of a Federal
 3 flood damage reduction project, the Secretary shall carry
 4 out a project to mitigate the damage at Federal expense.

5 **SEC. 5049. NORTH FORK, KENTUCKY RIVER, BREATHITT**
 6 **COUNTY, KENTUCKY.**

7 The Secretary shall rebuild the structure that is imped-
 8 ing high water flows on the North Fork of the Kentucky
 9 River in Breathitt County, Kentucky, in a manner that
 10 will reduce flood damages, at an estimated total cost of
 11 \$1,800,000. The non-Federal interest shall provide lands,
 12 easements, rights-of-way, relocations, and disposal areas re-
 13 quired for the project. Operation and maintenance of the
 14 rebuilt structure shall be a non-Federal expense.

15 **SEC. 5050. SOUTHERN AND EASTERN KENTUCKY.**

16 Section 531 of the Water Resources Development Act
 17 of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142) is
 18 amended by adding the following:

19 “(i) **CORPS OF ENGINEERS EXPENSES.**—Ten percent
 20 of the amounts appropriated to carry out this section for
 21 fiscal years 2004 and thereafter may be used by the Corps
 22 of Engineers district offices to administer projects under
 23 this section at 100 percent Federal expense.”.

1 **SEC. 5051. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
2 **AND RESTORATION.**

3 (a) *DEFINITIONS.*—*In this section, the following defi-*
4 *nitions apply:*

5 (1) *COASTAL LOUISIANA ECOSYSTEM.*—*The term*
6 *“Coastal Louisiana Ecosystem” means the coastal*
7 *area of Louisiana from the Sabine River on the west*
8 *to the Pearl River on the east and includes tidal wa-*
9 *ters, barrier islands, marshes, coastal wetlands, rivers*
10 *and streams, and adjacent areas.*

11 (2) *GOVERNOR.*—*The term “Governor” means*
12 *the Governor of Louisiana.*

13 (3) *TASK FORCE.*—*The term “Task Force”*
14 *means the Coastal Louisiana Ecosystem Protection*
15 *and Restoration Task Force established by subsection*
16 *(e).*

17 (b) *COMPREHENSIVE PLAN.*—

18 (1) *IN GENERAL.*—*The Secretary shall develop a*
19 *comprehensive plan for the purpose of protecting, pre-*
20 *serving, and restoring the Coastal Louisiana Eco-*
21 *system. The comprehensive plan shall provide for the*
22 *protection, conservation and restoration of the wet-*
23 *lands, barrier islands, shorelines, and related lands*
24 *and features that protect critical resources, habitat,*
25 *and infrastructure from the impacts of coastal storms,*
26 *hurricanes, erosion, and subsidence.*

1 (2) *DEADLINE.*—Not later than July 1, 2004, the
2 Secretary shall transmit the plan to Congress.

3 (3) *CONTENTS.*—The plan shall include a com-
4 prehensive report and a programmatic environmental
5 impact statement covering the proposed Federal ac-
6 tion set forth in the plan.

7 (4) *ADDITIONAL STUDIES AND ANALYSES.*—After
8 transmission of a report under this subsection, the
9 Secretary may conduct studies and analyses of
10 projects related to the comprehensive plan that are
11 appropriate and consistent with this subsection.

12 (c) *INTEGRATION OF OTHER ACTIVITIES.*—

13 (1) *IN GENERAL.*—In developing the plan under
14 subsection (b), the Secretary shall integrate ongoing
15 Federal and State projects and activities, including
16 projects implemented under the Coastal Wetlands
17 Planning, Protection and Restoration Act (16 U.S.C.
18 3951 *et seq.*), the Louisiana Coastal Wetlands Con-
19 servation Plan, the Louisiana Coastal Zone Manage-
20 ment Plan, and the plan of the State of Louisiana en-
21 titled “Coast 2050: Toward a Sustainable Coastal
22 Louisiana”.

23 (2) *STATUTORY CONSTRUCTION.*—

24 (A) *EXISTING AUTHORITY.*—Except as oth-
25 erwise expressly provided for in this section,

1 *nothing in the section affects any authority in*
 2 *effect on the date of enactment of this Act, or any*
 3 *requirement relating to the participation in pro-*
 4 *tection or restoration activities in the Coastal*
 5 *Louisiana Ecosystem, including projects and ac-*
 6 *tivities specified in paragraph (1) of—*

7 *(i) the Department of the Army;*

8 *(ii) the Department of the Interior;*

9 *(iii) the Department of Commerce;*

10 *(iv) the Environmental Protection*
 11 *Agency;*

12 *(v) the Department of Agriculture;*

13 *(vi) the Department of Transportation;*

14 *(vii) the Department of Energy; and*

15 *(viii) the State of Louisiana.*

16 *(B) NEW AUTHORITY.—Nothing in this sec-*
 17 *tion confers any new regulatory authority on*
 18 *any Federal or non-Federal entity that carries*
 19 *out any activity authorized by this section.*

20 *(d) COST SHARING.—The non-Federal share of the cost*
 21 *of developing the plan under subsection (b) shall be 50 per-*
 22 *cent.*

23 *(e) COASTAL LOUISIANA ECOSYSTEM PROTECTION AND*
 24 *RESTORATION TASK FORCE.—*

1 (1) *ESTABLISHMENT AND MEMBERSHIP.*—*There*
2 *is established the Coastal Louisiana Ecosystem Pro-*
3 *tection and Restoration Task Force, which shall con-*
4 *sist of the following members (or, in the case of the*
5 *head of a Federal Agency, a designee at the level of*
6 *Assistant Secretary or an equivalent level):*

7 *(A) The Secretary.*

8 *(B) The Secretary of the Interior.*

9 *(C) The Secretary of Commerce.*

10 *(D) The Administrator of the Environ-*
11 *mental Protection Agency.*

12 *(E) The Secretary of Agriculture.*

13 *(F) The Secretary of Transportation.*

14 *(G) The Secretary of Energy.*

15 *(H) The Coastal Advisor to the Governor.*

16 *(I) The Secretary of the Louisiana Depart-*
17 *ment of Natural Resources.*

18 *(J) A representative of the Governor's Advi-*
19 *sory Commission on Coastal Restoration and*
20 *Conservation, Louisiana.*

21 (2) *DUTIES OF TASK FORCE.*—*The Task Force—*

22 *(A) shall consult with, and provide rec-*
23 *ommendations to, the Secretary during develop-*
24 *ment of the comprehensive plan under subsection*
25 *(b)(1);*

1 (B) shall coordinate the development of con-
2 sistent policies, strategies, plans, programs,
3 projects, activities, and priorities for addressing
4 the protection, conservation, and restoration of
5 the Coastal Louisiana Ecosystem;

6 (C) shall exchange information regarding
7 programs, projects, and activities of the agencies
8 and entities represented on the Task Force to
9 promote ecosystem protection, restoration, and
10 maintenance;

11 (D) shall establish a regional working group
12 which shall include representatives of the agen-
13 cies and entities represented on the Task Force
14 as well as other governmental entities as appro-
15 priate for the purpose of formulating, recom-
16 mending, coordinating, and implementing poli-
17 cies, strategies, plans, programs, projects, activi-
18 ties, and priorities of the Task Force;

19 (E) may allow the working group described
20 in subparagraph (D) to—

21 (i) establish such advisory bodies as
22 are necessary to assist the Task Force in its
23 duties; and

1 (ii) select as an advisory body any en-
2 tity that represents a broad variety of pri-
3 vate and public interests;

4 (F) shall facilitate the resolution of inter-
5 agency and intergovernmental conflicts associ-
6 ated with the protection, conservation, and res-
7 toration of the Coastal Louisiana Ecosystem;

8 (G) shall coordinate scientific research asso-
9 ciated with the protection and restoration of the
10 Coastal Louisiana Ecosystem;

11 (H) shall provide assistance and support to
12 agencies and entities represented on the Task
13 Force in their protection and restoration activi-
14 ties;

15 (I) shall prepare an integrated financial
16 plan and recommendations for coordinated budg-
17 et requests for the funds proposed to be expended
18 by agencies and entities represented on the Task
19 Force for the protection, conservation, and res-
20 toration of the Coastal Louisiana Ecosystem;
21 and

22 (J) shall transmit to the Committee on
23 Transportation and Infrastructure of the House
24 of Representatives and the Committee on Envi-

1 *ronment and Public Works of the Senate a report*
2 *that summarizes the activities of the Task Force.*

3 (3) *PROCEDURES AND ADVICE.—*

4 (A) *PUBLIC PARTICIPATION.—*

5 (i) *IN GENERAL.—The Task Force shall*
6 *implement procedures to facilitate public*
7 *participation in the advisory process, in-*
8 *cluding providing advance notice of meet-*
9 *ings, providing adequate opportunity for*
10 *public input and comment, maintaining*
11 *appropriate records, and making a record*
12 *of proceedings of meetings available for pub-*
13 *lic inspection.*

14 (ii) *OVERSIGHT.—The Secretary shall*
15 *ensure that the procedures described in*
16 *clause (i) are adopted and implemented and*
17 *that the records described in clause (i) are*
18 *accurately maintained and available for*
19 *public inspection.*

20 (B) *ADVISORS TO THE TASK FORCE AND*
21 *WORKING GROUPS.—The Task Force or the work-*
22 *ing group described in paragraph (2)(D) may*
23 *seek such advice and input from any interested,*
24 *knowledgeable, or affected party as the Task*
25 *Force or working group determines to be nec-*

1 *essary to perform the duties described in para-*
 2 *graph (2).*

3 (C) *APPLICATION OF THE FEDERAL ADVI-*
 4 *SORY COMMITTEE ACT.*—*The Task Force, advi-*
 5 *sors to the Task Force, and any associated*
 6 *workgroups shall not be considered advisory com-*
 7 *mittees under the Federal Advisory Committee*
 8 *Act (5 U.S.C. App).*

9 (4) *COMPENSATION.*—*A member of the Task*
 10 *Force shall receive no additional compensation for the*
 11 *services provided as a member of the Task Force.*

12 (5) *TRAVEL EXPENSES.*—*Travel expenses in-*
 13 *curring by a member of the Task Force in the perform-*
 14 *ance of services for the Task Force shall be paid by*
 15 *the agency or entity that the member represents.*

16 **SEC. 5052. BATON ROUGE, LOUISIANA.**

17 *Section 219(f)(21) of the Water Resources Development*
 18 *Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is*
 19 *amended by striking “\$20,000,000” and inserting*
 20 *“\$35,000,000”.*

21 **SEC. 5053. WEST BATON ROUGE PARISH, LOUISIANA.**

22 *Section 517(5) of the Water Resources Development*
 23 *Act of 1999 (113 Stat. 345) is amended to read as follows:*

24 “(5) *Mississippi River, West Baton Rouge Par-*
 25 *ish, Louisiana, project for waterfront and riverine*

1 *preservation, restoration, enhancement modifications,*
 2 *and interpretive center development.”.*

3 **SEC. 5054. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**
 4 **GINIA, PENNSYLVANIA, AND DELAWARE.**

5 (a) *IN GENERAL.*—*In carrying out comprehensive*
 6 *study of the feasibility of a project to address shoreline ero-*
 7 *sion and related sediment management measures to protect*
 8 *water and land resources of the Chesapeake Bay, the Sec-*
 9 *retary may carry out pilot projects to demonstrate the feasi-*
 10 *bility of alternative measures to address sediment loads to*
 11 *the Chesapeake Bay from sediment behind dams on the*
 12 *lower Susquehanna River.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 14 *authorized to be appropriated \$5,000,000 to carry out this*
 15 *section.*

16 **SEC. 5055. DELMARVA CONSERVATION CORRIDOR, MARY-**
 17 **LAND.**

18 (a) *ASSISTANCE.*—*The Secretary may provide tech-*
 19 *nical assistance to the Secretary of Agriculture in carrying*
 20 *out the Conservation Corridor Demonstration Program au-*
 21 *thorized under subtitle G of title II of Public Law 107–*
 22 *171 (116 Stat. 275–278).*

23 (b) *COORDINATION AND INTEGRATION.*—*In carrying*
 24 *out water resources projects in the State of Maryland on*
 25 *land located on the east side of the Chesapeake Bay, the*

1 *Secretary shall coordinate and integrate, to the extent prac-*
 2 *ticable, such projects with any activities undertaken to im-*
 3 *plement a conservation corridor plan approved by the Sec-*
 4 *retary of Agriculture under section 2602 of Public Law*
 5 *107–171 (116 Stat. 275–276).*

6 **SEC. 5056. DETROIT RIVER, MICHIGAN.**

7 *Section 568(c)(2) of the Water Resources Development*
 8 *Act of 1999 (113 Stat. 368) is amended by striking*
 9 *“\$1,000,000” and inserting “\$25,000,000”.*

10 **SEC. 5057. OAKLAND COUNTY, MICHIGAN.**

11 *Section 219(f)(29) of the Water Resources Development*
 12 *Act of 1992 (113 Stat. 336) is amended by inserting “sani-*
 13 *tary sewer overflows and” before “combined sewer over-*
 14 *flows”.*

15 **SEC. 5058. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICH-**
 16 **IGAN.**

17 *The Secretary shall carry out feasible aquatic eco-*
 18 *system restoration projects identified in the comprehensive*
 19 *management plan for St. Clair River and Lake St. Clair,*
 20 *Michigan, developed under section 426 of the Water Re-*
 21 *sources Development Act of 1999 (113 Stat. 326), at a total*
 22 *Federal cost of not to exceed \$5,000,000.*

1 **SEC. 5059. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

2 (a) *PROJECT DESCRIPTION.*—Section 219(f)(61) of the
3 *Water Resources Development Act of 1992* (114 Stat.
4 2763A–221) is amended—

5 (1) in the paragraph heading by striking “TOWN-
6 SHIP” and inserting “AND CROW WING AND MILLE
7 LACS COUNTIES”;

8 (2) by inserting “, Crow Wing County, Mille
9 Lacs County,” after “Garrison”; and

10 (3) by adding at the end the following: “Such as-
11 sistance shall be provided directly to the Garrison-
12 Kathio-West Mille Lacs Lake Sanitary District, Min-
13 nesota.”.

14 (b) *PROCEDURES.*—In carrying out the project for
15 Garrison and Kathio Township, Minnesota, authorized by
16 such section 219(f)(61), the Secretary may use the cost shar-
17 ing and contracting procedures available to the Secretary
18 under section 569 of the *Water Resources Development Act*
19 of 1999 (113 Stat. 368).

20 **SEC. 5060. NORTHEASTERN MINNESOTA.**

21 (a) *IN GENERAL.*—Section 569 of the *Water Resources*
22 *Development Act of 1999* (113 Stat. 368) is amended—

23 (1) in subsection (a) by striking “Benton,
24 Sherburne,” and inserting “Beltrami, Hubbard,
25 Wadena,”;

1 (2) *by striking the last sentence of subsection*
2 *(e)(3)(B);*

3 (3) *by striking subsection (g) and inserting the*
4 *following:*

5 “(g) *NONPROFIT ENTITIES.*—*Notwithstanding section*
6 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
7 *5b(b)), for any project undertaken under this section, a non-*
8 *Federal interest may include a nonprofit entity.”; and*

9 (4) *by adding at the end the following:*

10 “(i) *CORPS OF ENGINEERS EXPENSES.*—*Ten percent*
11 *of the amounts appropriated to carry out this section may*
12 *be used by the Corps of Engineers district offices to admin-*
13 *ister projects under this section at 100 percent Federal ex-*
14 *pense.”.*

15 (b) *BIWABIK, MINNESOTA.*—*The Secretary shall reim-*
16 *burse the non-Federal interest for the project for environ-*
17 *mental infrastructure, Biwabik, Minnesota, carried out*
18 *under section 569 of the Water Resources Development Act*
19 *of 1999 (113 Stat. 368–369), for planning, design, and con-*
20 *struction costs that were incurred by the non-Federal inter-*
21 *est with respect to the project before the date of the partner-*
22 *ship agreement for the project and that were in excess of*
23 *the non-Federal share of the cost of the project if the Sec-*
24 *retary determines that the costs are appropriate.*

1 **SEC. 5061. DESOTO COUNTY, MISSISSIPPI.**

2 *Section 219(f)(30) of the Water Resources Development*
 3 *Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is*
 4 *amended by striking “\$20,000,000” and inserting*
 5 *“\$30,000,000”.*

6 **SEC. 5062. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
 7 **MISSISSIPPI.**

8 *In carrying out projects for the protection, restoration,*
 9 *and creation of aquatic and ecologically related habitats lo-*
 10 *cated in Harrison, Hancock, and Jackson Counties, Mis-*
 11 *sissippi, under section 204 of the Water Resources Develop-*
 12 *ment Act of 1992 (33 U.S.C. 2326), the Secretary shall ac-*
 13 *cept any portion of the non-Federal share of the cost of the*
 14 *project in the form of services, materials, supplies, and other*
 15 *in-kind contributions.*

16 **SEC. 5063. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

17 *As a part of the operation and maintenance of the*
 18 *project for the Mississippi River (Regulating Works), be-*
 19 *tween the Ohio and Missouri Rivers, Missouri and Illinois,*
 20 *authorized by the first section of an Act entitled “Making*
 21 *appropriations for the construction, repair, and preserva-*
 22 *tion of certain public works on rivers and harbors, and for*
 23 *other purposes”, approved June 25, 1910, the Secretary*
 24 *may carry out activities necessary to restore and protect*
 25 *fish and wildlife habitat in the middle Mississippi River*
 26 *system. Such activities may include modification of naviga-*

tion training structures, modification and creation of side channels, modification and creation of islands, and studies and analysis necessary to apply adaptive management principles in design of future work.

SEC. 5064. ST. LOUIS, MISSOURI.

Section 219(f)(32) of the Water Resources Development Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337) is amended by striking “\$15,000,000” and inserting “\$35,000,000”.

SEC. 5065. HACKENSACK MEADOWLANDS AREA, NEW JERSEY.

Section 324 of the Water Resources Development Act of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

(1) in subsection (a)—

(A) by striking “design” and inserting “planning, design,”; and

(B) by striking “Hackensack Meadowlands Development” and all that follows through “Plan for” and inserting “New Jersey Meadowlands Commission for the development of an environmental improvement program for”;

(2) in subsection (b)—

(A) in the subsection heading by striking “REQUIRED”;

(B) by striking “shall” and inserting “may”;

1 (C) by striking paragraph (1) and inserting
2 the following:

3 “(1) Restoration and acquisitions of significant
4 wetlands and aquatic habitat that contribute to the
5 Meadowlands ecosystem.”;

6 (D) in paragraph (2) by inserting “and
7 aquatic habitat” before the period at the end;
8 and

9 (E) by striking paragraph (7) and inserting
10 the following:

11 “(7) Research, development, and implementation
12 for a water quality improvement program, including
13 restoration of hydrology and tidal flows and remedi-
14 ation of hot spots and other sources of contaminants
15 that degrade existing or planned sites.”;

16 (3) in subsection (c) by inserting before the last
17 sentence the following: “The non-Federal sponsor may
18 also provide in-kind services, not to exceed 25 percent
19 of the total project cost, and may also receive credit
20 for reasonable cost of design work completed prior to
21 entering into the partnership agreement with the Sec-
22 retary for a project to be carried out under the pro-
23 gram developed under subsection (a).”; and

24 (4) in subsection (d) by striking “\$5,000,000”
25 and inserting “\$35,000,000”.

1 **SEC. 5066. ATLANTIC COAST OF NEW YORK.**

2 (a) *DEVELOPMENT OF PROGRAM.*—Section 404(a) of
3 the Water Resources Development Act of 1992 (106 Stat.
4 4863) is amended—

5 (1) by striking “processes” and inserting “and
6 related environmental processes”;

7 (2) by inserting after “Atlantic Coast” the fol-
8 lowing: “(and associated back bays)”;

9 (3) by inserting after “actions” the following: “,
10 environmental restoration or conservation measures
11 for coastal and back bays,”; and

12 (4) by inserting at the end the following: “The
13 plan for collecting data and monitoring information
14 included in such annual report shall be fully coordi-
15 nated with and agreed to by appropriate agencies of
16 the State of New York.”.

17 (b) *ANNUAL REPORTS.*—Section 404(b) of such Act is
18 amended—

19 (1) by striking “INITIAL PLAN.—Not later than
20 12 months after the date of the enactment of this Act,
21 the” and inserting “ANNUAL REPORTS.—The”;

22 (2) by striking “initial plan for data collection
23 and monitoring” and inserting “annual report of
24 data collection and monitoring activities”; and

25 (3) by striking the last sentence.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 2 404(c) of such Act (113 Stat. 341) is amended by striking
 3 “and an additional total of \$2,500,000 for fiscal years
 4 thereafter” and inserting “\$2,500,000 for fiscal years 2000
 5 through 2002, and \$17,000,000 for fiscal years beginning
 6 after September 30, 2002,”.

7 **SEC. 5067. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

8 In carrying out section 312 of the Water Resources De-
 9 velopment Act of 1990 (104 Stat. 4639–4640), the Secretary
 10 shall give priority to work in College Point, New York City,
 11 New York.

12 **SEC. 5068. FLUSHING BAY AND CREEK, NEW YORK CITY,**
 13 **NEW YORK.**

14 The Secretary shall credit toward the non-Federal
 15 share of the cost of the project for ecosystem restoration,
 16 Flushing Bay and Creek, New York City, New York, the
 17 cost of design and construction work carried out by the non-
 18 Federal interest before the date of the partnership agreement
 19 for the project if the Secretary determines that the work is
 20 integral to the project.

21 **SEC. 5069. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**
 22 **NEW YORK.**

23 (a) *IN GENERAL.*—The Secretary may carry out a
 24 navigation project at Little Neck Bay (Hague Basin), Vil-

1 *lage of Kings Point, New York, sufficient to permit the safe*
 2 *operation of the vessel T/V Kings Pointer at all tide levels.*

3 *(b) REIMBURSEMENT.—The Secretary shall seek reim-*
 4 *bursement from the United States Merchant Marine Acad-*
 5 *emy for the cost of the project carried out under this section.*

6 **SEC. 5070. ONONDAGA LAKE, NEW YORK.**

7 *Section 573 of the Water Resources Development Act*
 8 *of 1999 (113 Stat. 372–373) is amended—*

9 *(1) in subsection (f) by striking “\$10,000,000”*
 10 *and inserting “\$30,000,000”;*

11 *(2) by redesignating subsections (f) and (g) as*
 12 *subsections (g) and (h), respectively; and*

13 *(3) by inserting after subsection (e) the following:*

14 *“(f) NONPROFIT ENTITIES.—Notwithstanding section*
 15 *221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–*
 16 *5b(b)), for any project carried out under this section, a non-*
 17 *Federal sponsor may include a nonprofit entity, with the*
 18 *consent of the affected local government.”.*

19 **SEC. 5071. JOHN H. KERR DAM AND RESERVOIR, NORTH**
 20 **CAROLINA.**

21 *The Secretary shall expedite the completion of the cal-*
 22 *culations necessary to negotiate and execute a revised, per-*
 23 *manent contract for water supply storage at John H. Kerr*
 24 *Dam and Reservoir, North Carolina, among the Secretary*

1 *and the Kerr Lake Regional Water System and the city of*
 2 *Henderson, North Carolina.*

3 **SEC. 5072. STANLY COUNTY, NORTH CAROLINA.**

4 *Section 219(f)(64) of the Water Resources Development*
 5 *Act of 1992 (114 Stat. 2763A–221) is amended by inserting*
 6 *“water and” before “wastewater”.*

7 **SEC. 5073. CENTRAL RIVERFRONT PARK, CINCINNATI, OHIO.**

8 *If the Secretary is authorized to carry out a downtown*
 9 *waterfront development project for the Central Riverfront*
 10 *Park, Cincinnati, Ohio, the Secretary shall credit toward*
 11 *the non-Federal share of the cost of the project the cost of—*

12 *(1) design and construction work undertaken by*
 13 *the non-Federal interest before entering into a part-*
 14 *nership agreement for the project with the Secretary*
 15 *if the Secretary determines that the work is integral*
 16 *to the project; and*

17 *(2) land, easements, rights-of-way, and reloca-*
 18 *tions provided by the non-Federal interest.*

19 **SEC. 5074. PIEDMONT LAKE DAM, OHIO.**

20 *In reconstructing the road on the Piedmont Lake Dam*
 21 *as part of the project for dam safety assurance, Piedmont*
 22 *Lake Dam, Ohio, being carried out under section 4 of the*
 23 *Flood Control Act of August 11, 1939 (53 Stat. 1414–1415),*
 24 *the Secretary shall upgrade the condition of the road to*
 25 *meet standards applicable to public use roads in the State*

1 *of Ohio. The incremental cost of upgrading the road to meet*
 2 *such standards shall be a non-Federal expense.*

3 **SEC. 5075. OHIO.**

4 *Section 594(g) of the Water Resources Development Act*
 5 *of 1999 (113 Stat. 383) is amended by striking*
 6 *“\$60,000,000” and inserting “\$90,000,000”.*

7 **SEC. 5076. WAURIKA LAKE, OKLAHOMA.**

8 *The remaining obligation of the Waurika Project Mas-*
 9 *ter Conservancy District payable to the United States Gov-*
 10 *ernment in the amounts, rates of interest, and payment*
 11 *schedules is set at the amounts, rates of interest, and pay-*
 12 *ment schedules that existed, and that both parties agreed*
 13 *to, on June 3, 1986, and may not be adjusted, altered, or*
 14 *changed without a specific, separate, and written agreement*
 15 *between the District and the United States Government.*

16 **SEC. 5077. COLUMBIA RIVER, OREGON.**

17 *Section 401(b)(3) of Public Law 100–581 (102 Stat.*
 18 *2944), is amended by inserting “and Celilo Village, Or-*
 19 *egon” after “existing sites”.*

20 **SEC. 5078. EUGENE, OREGON.**

21 *(a) IN GENERAL.—The Secretary shall conduct a*
 22 *study to determine the feasibility of restoring the millrace*
 23 *in Eugene, Oregon, and, if the Secretary determines that*
 24 *the restoration is feasible, shall carry out the restoration.*

1 **(b) CONSIDERATION OF NONECONOMIC BENEFITS.**—*In*
 2 *determining the feasibility of restoring the millrace, the Sec-*
 3 *retary shall include noneconomic benefits associated with*
 4 *the historical significance of the millrace and associated*
 5 *with preservation and enhancement of resources.*

6 **(c) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
 7 *authorized to be appropriated to carry out this section*
 8 *\$20,000,000.*

9 **SEC. 5079. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
 10 **EGON AND WASHINGTON.**

11 **(a) IN GENERAL.**—*The Secretary shall pay up to*
 12 *\$2,500,000 to the provider of research and curation support*
 13 *previously provided to the Federal Government as a result*
 14 *of the multipurpose project, John Day Lock and Dam, Lake*
 15 *Umatilla, Oregon and Washington, authorized by section*
 16 *101 of the River and Harbor Act of 1950 (64 Stat. 167),*
 17 *and the several navigation and flood damage reduction*
 18 *projects constructed on the Columbia River and Lower Wil-*
 19 *lamette River, Oregon and Washington.*

20 **(b) AUTHORIZATION OF APPROPRIATIONS.**—*There is*
 21 *authorized to be appropriated to carry out this section*
 22 *\$2,500,000.*

23 **SEC. 5080. LOWELL, OREGON.**

24 **(a) IN GENERAL.**—*The Secretary may convey without*
 25 *consideration to Lowell School District, by quitclaim deed,*

1 *all right, title and interest of the United States in and to*
2 *approximately 3.32 acres of land and buildings thereon,*
3 *known as Tract A-82, located in Lowell, Oregon, and de-*
4 *scribed in subsection (b).*

5 **(b) DESCRIPTION OF PROPERTY.**—*The parcel of land*
6 *authorized to be conveyed under subsection (a) is as follows:*
7 *Commencing at the point of intersection of the west line*
8 *of Pioneer Street with the westerly extension of the north*
9 *line of Summit Street, in Meadows Addition to Lowell, as*
10 *platted and recorded at page 56 of Volume 4, Lane County*
11 *Oregon Plat Records; thence north on the west line of Pio-*
12 *neer Street a distance of 176.0 feet to the true point of be-*
13 *ginning of this description; thence north on the west line*
14 *of Pioneer Street a distance of 170.0 feet; thence west at*
15 *right angles to the west line of Pioneer Street a distance*
16 *of 250.0 feet; thence south and parallel to the west line of*
17 *Pioneer Street a distance of 170.0 feet; thence east 250.0*
18 *feet to the true point of beginning of this description in*
19 *Section 14, Township 19 South, Range 1 West of the Wil-*
20 *lamette Meridian, Lane County, Oregon.*

21 **(c) TERMS AND CONDITIONS.**—*Before conveying the*
22 *parcel to the school district, the Secretary shall ensure that*
23 *the conditions of buildings and facilities meet the require-*
24 *ments of applicable Federal law.*

25 **(d) GENERALLY APPLICABLE PROVISIONS.**—

1 (1) *APPLICABILITY OF PROPERTY SCREENING*
 2 *PROVISIONS.*—Section 2696 of title 10, United States
 3 Code, shall not apply to any conveyance under this
 4 section.

5 (2) *LIABILITY.*—An entity to which a conveyance
 6 is made under this section shall hold the United
 7 States harmless from any liability with respect to ac-
 8 tivities carried out, on or after the date of the convey-
 9 ance, on the real property conveyed. The United
 10 States shall remain responsible for any liability with
 11 respect to activities carried out, before such date, on
 12 the real property conveyed.

13 **SEC. 5081. HAGERMAN’S RUN, WILLIAMSPORT, PENNSYL-**
 14 **VANIA.**

15 The Secretary may rehabilitate the pumps at the
 16 project for flood damage reduction, Hagerman’s Run, Wil-
 17 liamsport, Pennsylvania, at a total Federal cost of
 18 \$225,000.

19 **SEC. 5082. NORTHEAST PENNSYLVANIA.**

20 Section 219(f)(11) of the Water Resources Development
 21 Act of 1992 (113 Stat. 335) is amended by striking “and
 22 Monroe” and inserting “Northumberland, Union, Snyder,
 23 and Montour”.

1 **SEC. 5083. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**
 2 **RAYSTOWN LAKE, PENNSYLVANIA.**

3 (a) *IMPROVEMENT OF ACCESS ROAD.*—*The Secretary*
 4 *may make improvements to the Susquehannock Camp-*
 5 *ground access road at Raystown Lake, Pennsylvania.*

6 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 7 *authorized to be appropriated to carry out this section*
 8 *\$500,000.*

9 **SEC. 5084. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
 10 **VANIA AND NEW YORK.**

11 *Section 567 of the Water Resources Development Act*
 12 *of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is*
 13 *amended—*

14 (1) *in subsection (a)(2) by striking*
 15 *“\$10,000,000.” and inserting the following:*
 16 *“\$20,000,000, of which the Secretary may utilize not*
 17 *more than \$5,000,000 to design and construct feasible*
 18 *pilot projects during the development of the strategy*
 19 *to demonstrate alternative approaches for the strat-*
 20 *egy. The total cost for any single pilot project may*
 21 *not exceed \$500,000. The Secretary shall evaluate the*
 22 *results of the pilot projects and consider the results in*
 23 *the development of the strategy.”;*

24 (2) *in subsection (c)—*

1 (A) in the subsection heading by striking
 2 “COOPERATION” and inserting “COOPERATIVE”;
 3 and

4 (B) by striking “cooperation” and inserting
 5 “cooperative”; and

6 (3) by adding at the end the following:

7 “(e) CREDIT.—The Secretary shall credit toward the
 8 non-Federal share of the cost of the project (i) the cost of
 9 design and construction work carried out by the non-Fed-
 10 eral interest before the date of the partnership agreement
 11 for the project if the Secretary determines that the work is
 12 integral to the project; and (ii) the cost of in-kind services
 13 and materials provided for the project by the non-Federal
 14 interest.”.

15 **SEC. 5085. WASHINGTON, GREENE, WESTMORELAND, AND**
 16 **FAYETTE COUNTIES, PENNSYLVANIA.**

17 Section 219(f)(70) of the Water Resources Development
 18 Act of 1992 (114 Stat. 2763A–221) is amended by striking
 19 “\$8,000,000” and inserting “\$13,300,000”.

20 **SEC. 5086. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

21 The Secretary shall review a report prepared by the
 22 non-Federal interest concerning flood protection and envi-
 23 ronmental restoration for Cano Martin Pena, San Juan,
 24 Puerto Rico, and, if the Secretary determines that the re-
 25 port meets the evaluation and design standards of the Corps

1 *of Engineers and that the project is feasible, may carry out*
 2 *the project, at a total cost of \$130,000,000, with an esti-*
 3 *mated Federal cost of \$85,000,000 and an estimated non-*
 4 *Federal cost of \$45,000,000.*

5 **SEC. 5087. BEAUFORT AND JASPER COUNTIES, SOUTH**
 6 **CAROLINA.**

7 *The Secretary may accept from the Department of the*
 8 *Navy, and may use, not to exceed \$23,000,000 to assist the*
 9 *Beaufort Jasper Water and Sewage Authority, South Caro-*
 10 *lina, with its plan to consolidate civilian and military*
 11 *wastewater treatment facilities.*

12 **SEC. 5088. COOPER RIVER, SOUTH CAROLINA.**

13 *(a) IN GENERAL.—The Secretary is authorized to pro-*
 14 *vide technical and financial assistance for the removal of*
 15 *the Grace and Pearman Bridges over the Cooper River,*
 16 *South Carolina.*

17 *(b) AUTHORIZATION OF APPROPRIATION.—There is*
 18 *authorized to be appropriated \$5,000,000 to carry out this*
 19 *section.*

20 **SEC. 5089. LAKES MARION AND MOULTRIE, SOUTH CARO-**
 21 **LINA.**

22 *Section 219(f)(25) of the Water Resources Development*
 23 *Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220) is*
 24 *amended—*

1 (1) *by striking “\$15,000,000” and inserting*
2 *“\$35,000,000”; and*

3 (2) *by inserting “wastewater treatment and” be-*
4 *fore “water supply”.*

5 **SEC. 5090. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**
6 **DAKOTA.**

7 (a) *IN GENERAL.—The Secretary shall review the*
8 *project for flood damage reduction, Upper Big Sioux River*
9 *basin, Watertown, South Dakota, as described in the report*
10 *of the Chief of Engineers, dated August 31, 1994, and enti-*
11 *tled “Watertown and Vicinity, South Dakota” and, if the*
12 *Secretary determines that the project is feasible, may carry*
13 *out the project, at a total cost of \$25,000,000.*

14 (b) *NON-FEDERAL SHARE.—*

15 (1) *IN GENERAL.—The non-Federal share of the*
16 *cost of the review may be provided in the form of in-*
17 *kind services and materials.*

18 (2) *CREDIT.—The Secretary shall credit toward*
19 *the non-Federal share of the cost of the review the cost*
20 *of planning and design work carried out by the non-*
21 *Federal interest before the date of an agreement for*
22 *the review if the Secretary determines that such work*
23 *is integral to the review.*

24 **SEC. 5091. FRITZ LANDING, TENNESSEE.**

25 *The Secretary shall—*

1 (1) *conduct a study of the Fritz Landing Agri-*
 2 *cultural Spur Levee, Tennessee, to determine the ex-*
 3 *tent of levee modifications that would be required to*
 4 *make the levee and associated drainage structures*
 5 *consistent with Federal standards;*

6 (2) *design and construct such modifications; and*

7 (3) *after completion of such modifications, incor-*
 8 *porate the levee into the project for flood control, Mis-*
 9 *issippi River and Tributaries, authorized by the Act*
 10 *entitled “An Act for the control of floods on the Mis-*
 11 *issippi River and its tributaries, and for other pur-*
 12 *poses”, approved May 15, 1928 (45 Stat. 534–539),*
 13 *commonly known as the “Flood Control Act of 1928”.*

14 **SEC. 5092. MEMPHIS, TENNESSEE.**

15 *The Secretary shall review the aquatic ecosystem res-*
 16 *toration component of the Memphis Riverfront Development*
 17 *Master Plan, Memphis, Tennessee, prepared by the non-*
 18 *Federal interest and, if the Secretary determines that the*
 19 *component meets the evaluation and design standards of the*
 20 *Corps of Engineers and that the component is feasible, may*
 21 *carry out the component at a total Federal cost not to exceed*
 22 *\$5,000,000.*

23 **SEC. 5093. TOWN CREEK, LENOIR CITY, TENNESSEE.**

24 *The Secretary shall design and construct the project*
 25 *for flood damage reduction designated as Alternative 4 in*

1 *the Town Creek, Lenoir City, Loudon City, Tennessee, feasi-*
 2 *bility report of the Nashville district engineer, dated Novem-*
 3 *ber 2000, under the authority of section 205 of the Flood*
 4 *Control Act of 1948 (33 U.S.C. 701s), notwithstanding sec-*
 5 *tion 1 of the Flood Control Act of June 22, 1936 (33 U.S.C.*
 6 *701a; 49 Stat. 1570). The non-Federal share of the cost of*
 7 *the project shall be subject to section 103(a) of the Water*
 8 *Resources Development Act of 1986 (33 U.S.C. 2213(a)).*

9 **SEC. 5094. TENNESSEE RIVER PARTNERSHIP.**

10 (a) *IN GENERAL.*—As part of the operation and main-
 11 *tenance of the project for navigation, Tennessee River, Ten-*
 12 *nessee, Alabama, Mississippi, and Kentucky, authorized by*
 13 *the first section of the Rivers and Harbors Act of July 3,*
 14 *1930 (46 Stat. 927), the Secretary may enter into a part-*
 15 *nership with a nonprofit entity to remove debris from the*
 16 *Tennessee River in the vicinity of Knoxville, Tennessee, by*
 17 *providing a vessel to such entity, at Federal expense, for*
 18 *such debris removal purposes.*

19 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 20 *authorized to be appropriated to carry out this section*
 21 *\$500,000.*

22 **SEC. 5095. CLEAR CREEK AND TRIBUTARIES, HARRIS, GAL-**
 23 **VESTON, AND BRAZORIA COUNTIES, TEXAS.**

24 *The Secretary shall expedite completion of the report*
 25 *for the project for flood damage reduction, ecosystem res-*

1 *toration, and recreation, Clear Creek and tributaries, Har-*
 2 *ris, Galveston, and Brazoria Counties, Texas.*

3 **SEC. 5096. HARRIS COUNTY, TEXAS.**

4 *Section 575(a) of the Water Resources Development*
 5 *Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended*
 6 *by inserting before the period at the end the following: “,*
 7 *whether or not such works or actions are partially funded*
 8 *under the hazard mitigation grant program of the Federal*
 9 *Emergency Management Agency”.*

10 **SEC. 5097. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

11 *(a) STUDY.—*

12 *(1) IN GENERAL.—The Secretary shall conduct a*
 13 *study to determine the feasibility of carrying out a*
 14 *project for flood damage reduction in the Harris*
 15 *Gully watershed, Harris County, Texas, to provide*
 16 *flood protection for the Texas Medical Center, Hous-*
 17 *ton, Texas.*

18 *(2) USE OF LOCAL STUDIES AND PLANS.—In*
 19 *conducting the study, the Secretary shall use, to the*
 20 *extent practicable, studies and plans developed by the*
 21 *non-Federal interest if the Secretary determines that*
 22 *such studies and plans meet the evaluation and de-*
 23 *sign standards of the Corps of Engineers.*

24 *(3) COMPLETION DATE.—The Secretary shall*
 25 *complete the study by July 1, 2004.*

1 (b) *CRITICAL FLOOD DAMAGE REDUCTION MEAS-*
2 *URES.—The Secretary may carry out critical flood damage*
3 *reduction measures that the Secretary determines are fea-*
4 *sible and that will provide immediate and substantial flood*
5 *damage reduction benefits in the Harris Gully watershed,*
6 *at a Federal cost of \$7,000,000.*

7 (c) *CREDIT.—The Secretary shall credit toward the*
8 *non-Federal share of the cost of the project the cost of plan-*
9 *ning, design, and construction work carried out by the non-*
10 *Federal interest before the date of the partnership agreement*
11 *for the project if the Secretary determines that such work*
12 *is integral to the project.*

13 (d) *NONPROFIT ENTITY.—Notwithstanding section 221*
14 *of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a*
15 *nonprofit entity may, with the consent of the local govern-*
16 *ment, serve as a non-Federal interest for the project under-*
17 *taken under this section.*

18 **SEC. 5098. ONION CREEK, TEXAS.**

19 *In carrying out the study for the project for flood dam-*
20 *age, reduction, recreation, and ecosystem restoration, Onion*
21 *Creek, Texas, the Secretary shall include the costs and bene-*
22 *fits associated with the relocation of flood-prone residences*
23 *in the study area for the project during the 2-year period*
24 *before the initiation of the feasibility study to the extent*
25 *the Secretary determines such relocations are compatible*

1 *with the project. The Secretary shall credit toward the non-*
 2 *Federal share of the cost of the project the cost of relocation*
 3 *of such flood-prone residences incurred by the non-Federal*
 4 *interest before the date of the partnership agreement for the*
 5 *project if the Secretary determines that the relocation of*
 6 *such residences is integral to the project.*

7 **SEC. 5099. PELICAN ISLAND, TEXAS.**

8 (a) *IN GENERAL.*—Section 108(a) of the *Energy and*
 9 *Water Development Appropriations Act, 1994 (33 U.S.C.*
 10 *59hh(a)) is amended—*

11 (1) *by striking “The Secretary” and inserting*
 12 *the following:*

13 “(1) *AUTHORITY TO CONVEY.*—*The Secretary*”;

14 (2) *by adding at the end the following:*

15 “(2) *LETTER OF INTENT.*—

16 “(A) *IN GENERAL.*—*The Secretary may*
 17 *provide a letter of intent to the city of Galveston*
 18 *for conveyance of less than 100 acres of the par-*
 19 *cel described in subsection (a) for private devel-*
 20 *opment purposes if the Secretary receives and*
 21 *approves a proposal by the city designating the*
 22 *land which would be subject to such development.*

23 “(B) *DISPOSITION OF SPOIL.*—*If the Sec-*
 24 *retary issues a letter of intent under subpara-*
 25 *graph (A), no additional spoil material may be*

placed on the land designated for private development for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.”; and

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) *EXPIRATION DATE*.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date of the enactment of this Act” and inserting “date of enactment of the Water Resources Development Act of 2003”.

SEC. 5100. FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking “\$12,000,000” and inserting “\$22,000,000”.

**SEC. 5101. RICHMOND NATIONAL BATTLEFIELD PARK,
RICHMOND, VIRGINIA.**

(a) *IN GENERAL*.—The Secretary is authorized to carry out bluff stabilization measures on the James River

1 *in the vicinity of Drewry's Bluff, Richmond National Bat-*
 2 *tlefield Park, Richmond, Virginia.*

3 (b) *REIMBURSEMENT.*—*The Secretary shall seek reim-*
 4 *bursement from the Secretary of the Interior of any costs*
 5 *incurred by the Secretary in carrying out subsection (a).*

6 **SEC. 5102. BAKER BAY AND ILWACO HARBOR, WASHINGTON.**

7 *The Secretary shall conduct a study of increased silt-*
 8 *ation in Baker Bay and Ilwaco Harbor, Washington, to de-*
 9 *termine if the siltation is the result of a Federal navigation*
 10 *project (including diverted flows from the Columbia River)*
 11 *and, if the Secretary determines that the siltation is the*
 12 *result of a Federal navigation project, the Secretary shall*
 13 *carry out a project to mitigate the siltation as part of main-*
 14 *tenance of the Federal navigation project.*

15 **SEC. 5103. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

16 *The Secretary shall credit toward the non-Federal*
 17 *share of the cost of the project for flood damage reduction,*
 18 *Chehalis River, Centralia, Washington, the cost of plan-*
 19 *ning, design, and construction work carried out by the non-*
 20 *Federal interest before the date of the partnership agreement*
 21 *for the project if the Secretary determines that the work is*
 22 *integral to the project.*

23 **SEC. 5104. HAMILTON ISLAND CAMPGROUND, WASHINGTON.**

24 *The Secretary is authorized to plan, design, and con-*
 25 *struct a campground for Bonneville Lock and Dam at*

1 *Hamilton Island (also know as “Strawberry Island”) in*
 2 *Skamania County, Washington.*

3 **SEC. 5105. PUGET ISLAND, WASHINGTON.**

4 *The Secretary is directed to place dredged and other*
 5 *suitable material along portions of the Columbia River*
 6 *shoreline of Puget Island, Washington, between river miles*
 7 *38 to 47 in order to protect economic and environmental*
 8 *resources in the area from further erosion, at a Federal cost*
 9 *of \$1,000,000. This action shall be coordinated with appro-*
 10 *priate resource agencies and comply with applicable Fed-*
 11 *eral laws.*

12 **SEC. 5106. BLUESTONE, WEST VIRGINIA.**

13 *Section 547 of the Water Resources Development Act*
 14 *of 2000 (114 Stat. 2676–2678) is amended—*

15 *(1) in subsection (b)(1)(A) by striking “4 years”*
 16 *and inserting “5 years”;*

17 *(2) in subsection (b)(1)(B)(iii) by striking “if*
 18 *all” and all that follows through “facility” and in-*
 19 *serting “assurance project”;*

20 *(3) in subsection (b)(1)(C) by striking “and con-*
 21 *struction” and inserting “, construction, and oper-*
 22 *ation and maintenance”;*

23 *(4) by adding at the end of subsection (b) the fol-*
 24 *lowing:*

1 “(3) *OPERATION AND OWNERSHIP.*—*The Tri-Cit-*
2 *ies Power Authority shall be the owner and operator*
3 *of the hydropower facilities referred to in subsection*
4 *(a).”;*

5 (5) *in subsection (c)(1)—*

6 (A) *by striking “No” and inserting “Unless*
7 *otherwise provided, no”;*

8 (B) *by inserting “planning,” before “de-*
9 *sign”; and*

10 (C) *by striking “prior to” and all that fol-*
11 *lows through “subsection (d)”;*

12 (6) *in subsection (c)(2) by striking “design” and*
13 *inserting “planning, design,”;*

14 (7) *in subsection (d)—*

15 (A) *by striking paragraphs (1) and (2) and*
16 *inserting the following:*

17 “(1) *APPROVAL.*—*The Secretary shall review the*
18 *design and construction activities for all features of*
19 *the hydroelectric project that pertain to and affect*
20 *stability of the dam and control the release of water*
21 *from Bluestone Dam to ensure that the quality of con-*
22 *struction of those features meets all standards estab-*
23 *lished for similar facilities constructed by the Sec-*
24 *retary.”;*

1 (B) by redesignating paragraph (3) as
2 paragraph (2);

3 (C) by striking the period at the end of
4 paragraph (2) (as so redesignated) and inserting
5 “, except that hydroelectric power is no longer a
6 project purpose of the facility. Water flow re-
7 leases from the hydropower facilities shall be de-
8 termined and directed by the Corps of Engi-
9 neers.”; and

10 (D) by adding at the end the following:

11 “(3) COORDINATION.—Construction of the hydro-
12 electric generating facilities shall be coordinated with
13 the dam safety assurance project currently in the de-
14 sign and construction phases.”;

15 (8) in subsection (e) by striking “in accordance”
16 and all that follows through “58 Stat. 890”;

17 (9) in subsection (f)—

18 (A) by striking “facility of the inter-
19 connected systems of reservoirs operated by the
20 Secretary” each place it appears and inserting
21 “facilities under construction under such agree-
22 ments”; and

23 (B) by striking “design” and inserting
24 “planning, design”;

25 (10) in subsection (f)(2)—

1 (A) by “Secretary” each place it appears
2 and inserting “Tri-Cities Power Authority”; and

3 (B) by striking “facilities referred to in sub-
4 section (a)” and inserting “such facilities”;

5 (11) by striking paragraph (1) of subsection (g)
6 and inserting the following:

7 “(1) to arrange for the transmission of power to
8 the market or to construct such transmission facilities
9 as necessary to market the power produced at the fa-
10 cilities referred to in subsection (a) with funds con-
11 tributed by the Tri-Cities Power Authority; and”;

12 (12) in subsection (g)(2) by striking “such facili-
13 ties” and all that follows through “the Secretary” and
14 inserting “the generating facility”; and

15 (13) by adding at the end the following:

16 “(i) *TRI-CITIES POWER AUTHORITY DEFINED.*—In
17 this section, the ‘Tri-Cities Power Authority’ refers to the
18 entity established by the City of Hinton, West Virginia, the
19 City of White Sulphur Springs, West Virginia, and the City
20 of Philippi, West Virginia, pursuant to a document entitled
21 ‘Second Amended and Restated Intergovernmental Agree-
22 ment’ approved by the Attorney General of West Virginia
23 on February 14, 2002.”.

1 **SEC. 5107. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
 2 **CONTROL.**

3 (a) *CHEAT AND TYGART RIVER BASINS, WEST VIR-*
 4 *GINIA.*—Section 581(a)(1) of the Water Resources Develop-
 5 ment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is amend-
 6 ed—

7 (1) by striking “flood control measures” and in-
 8 serting “structural and nonstructural flood control,
 9 streambank protection, stormwater management, and
 10 channel clearing and modification measures”; and

11 (2) by inserting “with respect to measures that
 12 incorporate levees or floodwalls” before the semicolon.

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 14 581(c) of the Water Resources Development Act of 1996 (110
 15 Stat. 3791) is amended by striking “\$12,000,000” and in-
 16 serting “\$90,000,000”.

17 **SEC. 5108. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

18 *The Secretary shall conduct a watershed and river*
 19 *basin assessment under section 729 of the Water Resources*
 20 *Development Act of 1986 (33 U.S.C. 2267a) for the Lower*
 21 *Kanawha River Basin, in the counties of Mason, Putnam,*
 22 *Kanawha, Jackson, and Roane, West Virginia.*

23 **SEC. 5109. CENTRAL WEST VIRGINIA.**

24 *Section 571 of the Water Resources Development Act*
 25 *of 1999 (113 Stat. 371) is amended—*

26 (1) in subsection (a)—

1 (A) by striking “Nicholas,”; and

2 (B) by striking “Gilmer,”; and

3 (2) by adding at the end the following:

4 “(i) *NONPROFIT ENTITIES*.—Notwithstanding section
5 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
6 5b(b)), for any project undertaken under this section, a non-
7 Federal interest may include a nonprofit entity with the
8 consent of the affected local government.

9 “(j) *CORPS OF ENGINEERS EXPENSES*.—Ten percent
10 of the amounts appropriated to carry out this section may
11 be used by the Corps of Engineers district offices to admin-
12 ister projects under this section at 100 percent Federal ex-
13 pense.”.

14 **SEC. 5110. SOUTHERN WEST VIRGINIA.**

15 (a) *CORPS OF ENGINEERS*.—Section 340 of the Water
16 Resources Development Act of 1992 (106 Stat. 4856; 113
17 Stat. 320) is amended by adding at the end the following:

18 “(h) *CORPS OF ENGINEERS*.—Ten percent of the
19 amounts appropriated to carry out this section for fiscal
20 years 2003 and thereafter may be used by the Corps of En-
21 gineers district offices to administer projects under this sec-
22 tion at 100 percent Federal expense.”.

23 (b) *SOUTHERN WEST VIRGINIA DEFINED*.—Section
24 340(f) of such Act is amended by inserting “Nicholas,” after
25 “Greenbrier,”.

1 (c) *NONPROFIT ENTITIES*.—Section 340 of the Water
 2 Resources Development Act of 1992 (106 Stat. 4856) is fur-
 3 ther amended by adding at the end the following:

4 “(i) *NONPROFIT ENTITIES*.—Notwithstanding section
 5 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–
 6 5b(b)), for any project undertaken under this section, a non-
 7 Federal interest may include a nonprofit entity with the
 8 consent of the affected local government.”.

9 **SEC. 5111. CONSTRUCTION OF FLOOD CONTROL PROJECTS**

10 **BY NON-FEDERAL INTERESTS.**

11 Section 211(f) of the Water Resources Development Act
 12 of 1996 (33 U.S.C. 701b–13) is amended by adding at the
 13 end the following:

14 “(9) *BUFFALO BAYOU, TEXAS*.—The project for
 15 flood control, Buffalo Bayou, Texas.

16 “(10) *HALLS BAYOU, TEXAS*.—The project for
 17 flood control, Halls Bayou, Texas.

18 “(11) *ST. PAUL DOWNTOWN AIRPORT (HOLMAN*
 19 *FIELD), ST. PAUL, MINNESOTA*.—The project for flood
 20 damage reduction, St. Paul Downtown Holman
 21 Field), St. Paul, Minnesota.”.

22 **SEC. 5112. BRIDGE AUTHORIZATION.**

23 There is authorized to be appropriated \$20,000,000 for
 24 the construction of the bridge referred to in section 1001(1).

1 **SEC. 5113. ADDITIONAL ASSISTANCE FOR CRITICAL**
2 **PROJECTS.**

3 *Section 219(f) of the Water Resources Development Act*
4 *of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114 Stat.*
5 *2763A–220–221) is amended by adding at the end the fol-*
6 *lowing:*

7 “(71) *PLAQUEMINE, LOUISIANA.—\$7,000,000 for*
8 *sanitary sewer and wastewater infrastructure,*
9 *Plaquemine, Louisiana.*

10 “(72) *CHARLESTON, SOUTH CAROLINA.—*
11 *\$20,000,000 for wastewater infrastructure, including*
12 *wastewater collection systems, Charleston, South*
13 *Carolina.*

14 “(73) *CROSS, SOUTH CAROLINA.—\$2,000,000 for*
15 *water-related environmental infrastructure, Cross,*
16 *South Carolina.*

17 “(74) *SURFSIDE, SOUTH CAROLINA.—\$8,000,000*
18 *for environmental infrastructure, including*
19 *stormwater system improvements and ocean outfalls,*
20 *Surfside, South Carolina.*

21 “(75) *NORTH MYRTLE BEACH, SOUTH CARO-*
22 *LINA.—\$3,000,000 for environmental infrastructure,*
23 *including ocean outfalls, North Myrtle Beach, South*
24 *Carolina.*

1 “(76) *TIA JUANA VALLEY, CALIFORNIA.—*
2 \$1,400,000 *for water-related environmental infra-*
3 *structure, Tia Juana Valley, California.*

4 “(77) *CABARRUS COUNTY, NORTH CAROLINA.—*
5 \$4,500,000 *for water-related infrastructure, Cabarrus*
6 *County, North Carolina.*

7 “(78) *RICHMOND COUNTY, NORTH CAROLINA.—*
8 \$8,000,000 *for water-related infrastructure, Richmond*
9 *County, North Carolina.*

10 “(79) *UNION COUNTY, NORTH CAROLINA.—*
11 \$9,000,000 *for wastewater infrastructure, Union*
12 *County, North Carolina.*

13 “(80) *WASHINGTON, DISTRICT OF COLUMBIA.—*
14 \$35,000,000 *for implementation of a combined sewer*
15 *overflow long term control plan, Washington, District*
16 *of Columbia.*

17 “(81) *SOUTHERN LOS ANGELES COUNTY, CALI-*
18 *FORNIA.—\$15,000,000 for environmental infrastruc-*
19 *ture for the groundwater basin optimization pipeline,*
20 *Southern Los Angeles County, California.*

21 “(82) *INDIANAPOLIS, INDIANA.—\$6,430,000 for*
22 *environmental infrastructure for Indianapolis, Indi-*
23 *ana.*

24 “(83) *HENDERSON, NEVADA.—\$5,000,000 for*
25 *wastewater infrastructure, Henderson, Nevada.*

1 “(84) SENNETT, NEW YORK.—\$1,500,000 for
2 *water infrastructure, Town of Sennett, New York.*

3 “(85) LEDYARD AND MONTVILLE, CON-
4 NECTICUT.—\$7,113,000 for water infrastructure,
5 *Ledyard and Montville, Connecticut.*

6 “(86) AWENDAW, SOUTH CAROLINA.—\$2,000,000
7 *for water-related infrastructure, Awendaw, South*
8 *Carolina.*

9 “(87) ST. CLAIR COUNTY, ALABAMA.—\$5,000,000
10 *for water-related infrastructure, St. Clair County,*
11 *Alabama.*

12 “(88) EAST BAY, SAN FRANCISCO, AND SANTA
13 CLARA AREAS, CALIFORNIA.—\$4,000,000 for a desali-
14 nation project to serve the East Bay, San Francisco,
15 and Santa Clara areas, California.

16 “(89) ATHENS, TENNESSEE.—\$16,000,000 for
17 *wastewater infrastructure, Athens, Tennessee.*

18 “(90) WARWICK, NEW YORK.—\$1,200,000 for
19 *water storage capacity restoration, Warwick, New*
20 *York.*

21 “(91) KIRYAS JOEL, NEW YORK.—\$20,000,000
22 *for water-related infrastructure, Kiryas Joel, New*
23 *York.*

1 “(92) *WHITTIER, CALIFORNIA.*—\$8,000,000 for
2 *wastewater and water-related infrastructure, Whit-*
3 *tier, California.*

4 “(93) *ANACOSTIA RIVER, DISTRICT OF COLUMBIA*
5 *AND MARYLAND.*—\$20,000,000 for *environmental in-*
6 *frastructure and resource protection and development*
7 *to enhance water quality and living resources in the*
8 *Anacostia River watershed, District of Columbia and*
9 *Maryland.*

10 “(94) *DUCHESNE, IRON, AND Uintah COUNTIES,*
11 *UTAH.*—\$10,000,000 for *water-related infrastructure,*
12 *Duchesne, Iron, and Uintah Counties, Utah.*

13 “(95) *HANCOCK, HARRISON, JACKSON, AND*
14 *PEARL RIVER COUNTIES, MISSISSIPPI.*—\$5,824,300 for
15 *water and wastewater-related infrastructure, Han-*
16 *cock, Harrison, Jackson, and Pearl River Counties,*
17 *Mississippi.”.*

18 **SEC. 5114. USE OF FEDERAL HOPPER DREDGE FLEET.**

19 (a) *STUDY.*—The Secretary shall conduct a study on
20 *the appropriate use of the Federal hopper dredge fleet.*

21 (b) *CONTENTS.*—In conducting the study, the Sec-
22 *retary shall—*

23 (1) *obtain and analyze baseline data to deter-*
24 *mine the appropriate use of the Federal hopper*
25 *dredge fleet;*

1 (2) *prepare a comprehensive analysis of the costs*
2 *and benefits of existing and proposed restrictions on*
3 *the use of the Federal hopper dredge fleet; and*

4 (3) *assess the data and procedure used by the*
5 *Secretary to prepare the Government cost estimate for*
6 *work performed by the Federal hopper dredge fleet.*

7 (c) *CONSULTATION.—The Secretary shall conduct the*
8 *study in consultation with ports, pilots, and representatives*
9 *of the private dredge industry.*

10 (d) *REPORT.—Not later than 180 days after the date*
11 *of enactment of this Act, the Secretary shall transmit to*
12 *Congress a report on the results of the study.*

Union Calendar No. 151

108TH CONGRESS
1ST SESSION

H. R. 2557

[Report No. 108-265]

A BILL

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SEPTEMBER 5, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed